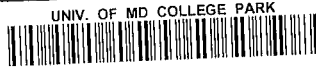


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SCIENCE, AND RELATED
AGENCIES APPROPRIATIONS FOR 2018



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HEARINGS

BEFORE A

SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE,
AND RELATED AGENCIES

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MATT CARTWRIGHT, Pennsylvania
GRACE MENG, New York

NOTE: Under committee rules, Mr. Frelinghuysen, as chairman of the full committee, and Mrs. Lowey, as ranking minority member of the full committee, are authorized to sit as members of all subcommittees.

JOHN MARTENS, JEFF ASHFORD, LESLIE ALBRIGHT,
COLIN SAMPLES, ASCHLEY SCHILLER, and TAYLOR KELLY
Subcommittee Staff

PART 2A

DEPARTMENT OF JUSTICE

Justification of the Budget Estimates



Printed for the use of the Committee on Appropriations

JUN 28 2017

DEPOSITORY DR-242

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FOR 2018

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U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON: 2017

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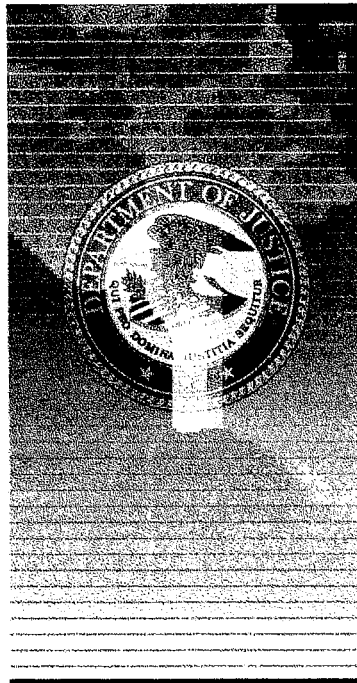
¹Chairman Emeritus

NANCY FOX, *Clerk and Staff Director*

U.S. Department of Justice
Justice Management Division
Budget Staff

BUDGET AND PERFORMANCE SUMMARY

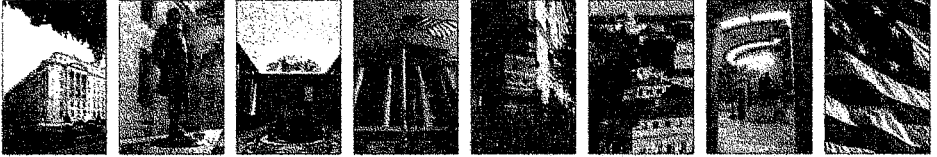
FISCAL YEAR 2018



U.S. DEPARTMENT OF JUSTICE
WWW.JUSTICE.GOV

DEPARTMENT OVERVIEW

www.justice.gov



HISTORY AND ENABLING LEGISLATION

The Department of Justice, often referred to as the largest law office in the world, began in 1789 with a staff of two: the Attorney General and a clerk. The Judiciary Act of 1789 created the Office of the Attorney General, providing for the appointment of "a person, learned in the law, to act as attorney-general for the United States." By 1870, the duties of the Office of the Attorney General had expanded so much that Congress adopted "An Act to establish the Department of Justice." As its head, the Attorney General is the chief litigator and the chief law enforcement officer of the United States.

MISSION

The Department of Justice serves to enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

LOCATION

The Department is headquartered in Washington, DC, at the Robert F. Kennedy Building, occupying a city block bounded by 9th and 10th Streets and Pennsylvania and Constitution Avenues, NW. The Department also has field offices in all states and territories and maintains offices in over 100 countries worldwide.

COMPONENT ORGANIZATIONS

Attorney General
 Deputy Attorney General
 Associate Attorney General
 Antitrust Division (ATR)
 Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
 Bureau of Prisons (BOP)
 Civil Division (CIV)
 Civil Rights Division (CRT)
 Community Oriented Policing Services (COPS)
 Community Relations Service (CRS) Criminal Division (CRM)
 Drug Enforcement Administration (DEA)
 Environment & Natural Resources Division (ENRD)

Executive Office for Immigration Review (EOIR)
 Executive Office for Organized Crime Drug Enforcement Task Forces (OCDETF)
 Executive Office for U.S. Attorneys (EOUSA)
 Executive Office for U.S. Trustees (EOUST)
 Federal Bureau of Investigation (FBI)
 Foreign Claims Settlement Commission (FCSC)
 INTERPOL Washington (IPOL)
 Justice Management Division (JMD)
 National Security Division (NSD)
 Office for Access to Justice (ATJ)
 Office of Information Policy (OIP)
 Office of Legal Counsel (OLC)
 Office of Legal Policy (OLP)
 Office of Legislative Affairs (OLA)
 Office of the Inspector General (OIG)

Office of the Pardon Attorney (OPA)
 Office of Justice Programs (OJP)
 Office of Professional Responsibility (OPR)
 Office of Public Affairs
 Office of the Solicitor General (OSG)
 Office of Tribal Justice (OTJ)
 Office on Violence Against Women (OVW)
 Professional Responsibility Advisory Office (PRAO)
 Tax Division (TAX)
 U.S. Attorneys (USAO)
 U.S. Marshals Service (USMS)
 U.S. Parole Commission (USPC)

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I. Summary of Request and Performance

U.S. DEPARTMENT OF JUSTICE OVERVIEW

Organization: Led by the Attorney General, the Department of Justice (DOJ or the Department) is comprised of components that have a broad array of national security, law enforcement, and criminal justice system responsibilities. DOJ prosecutes federal law offenders and represents the U.S. Government in court; its attorneys represent the rights and interests of the American people and enforce federal criminal and civil laws, such as combating terrorism-related crimes, violent crime, and drug related crimes, and enforcing immigration laws. Its Immigration Judges ensure efficient and just immigration proceedings; its special agents investigate threats to our Nation's security, organized and violent crime, illegal drugs, gun and explosives violations; its deputy marshals protect the federal judiciary, apprehend fugitives and transport persons in federal custody; and its correctional officers confine convicted federal offenders. DOJ also provides grants and training to state, local, and tribal law enforcement partners and brings together national security, counterterrorism, counterintelligence, and foreign intelligence surveillance operations under a single authority.

The mission of the Department of Justice guides the men and women in their daily duties:

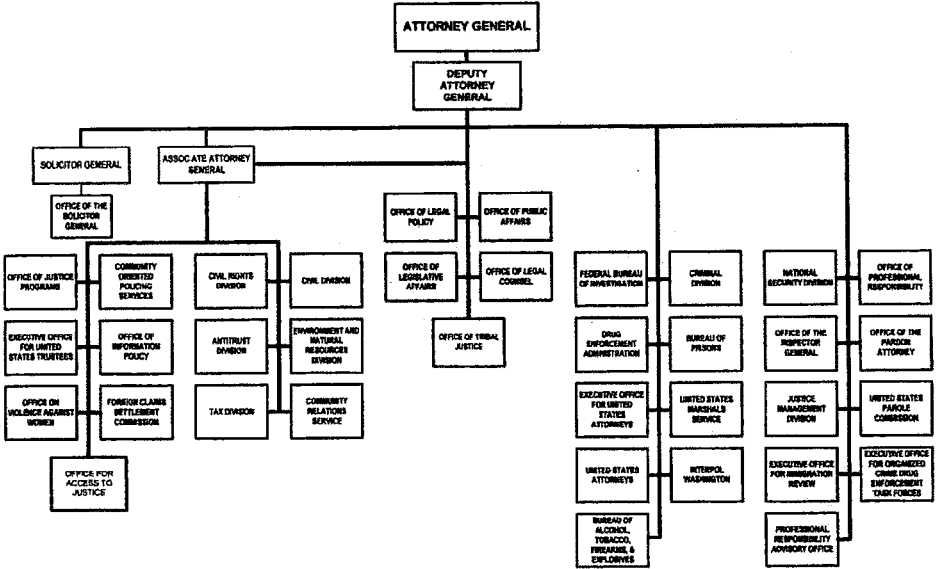
"To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans."

Statutory Authority: The Judiciary Act of 1789, ch. 20, sec. 35, 1 Stat. 73, 92-93 (1789) created the Office of the Attorney General. In 1870, after the post-Civil War increase in the amount of litigation involving the United States necessitated the very expensive retention of a large number of private attorneys to handle the workload, a concerned Congress passed the Act to Establish the Department of Justice, ch. 150, 16 Stat. 162 (1870) setting it up as "an executive department of the government of the United States" with the Attorney General as its head. The Act gave DOJ control over all criminal prosecutions and civil suits in which the United States had an interest. In addition, the Act gave the Attorney General and the Department control over federal law enforcement, establishing the Attorney General as the chief law enforcement officer of the Federal Government. Finally, to assist the Attorney General, the Act created the Office of the Solicitor General.

The Act is the foundation upon which DOJ still rests. However, the structure of the Department has changed and expanded over the years, with the addition of the Deputy Attorney General and the Associate Attorney General, as well as the formation of the components. Unchanged is the steadily increasing workload of the Department. It has become the world's largest law office and the central agency for enforcement of federal laws.

Organization Chart:

U.S. DEPARTMENT OF JUSTICE



Approved by Loretta E. Lynch Date 6/5/2015
 LORETTA E. LYNCH
 Attorney General



U.S. Department of Justice

FY 2018 Budget Request At A Glance

Discretionary Budget Authority

FY 2017 Annualized Continuing Resolution:	\$28.8 billion (117,274 positions)
FY 2018 Budget Request	\$27.7 billion (107,346 positions)
Change from FY 2017 Annualized Continuing Resolution	-3.8% (-9,928 positions)

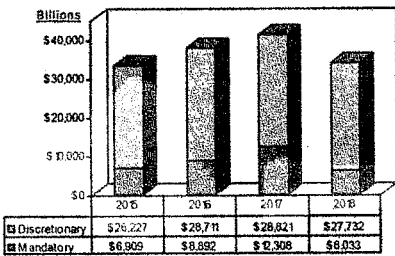
Resources:

The DOJ FY 2018 Budget totals \$27.7 billion in discretionary budget authority. The FY 2018 DOJ Budget delineated by category is: law enforcement (49.8%); litigation (12.4%); prisons and detention (29.9%); administration/technology/other (0.9%) and grants (7%). In addition, DOJ is estimating \$6 billion in mandatory budget authority in FY 2018.

Personnel:

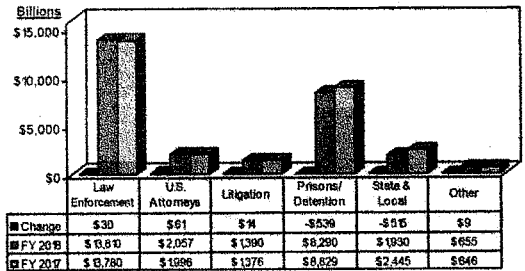
The DOJ's FY 2018 request includes 107,346 positions (direct only). This staffing level is comprised of: Agents (22,326 or 21%); Attorneys (10,153 or 9%); Correctional Officers (19,073 or 18%); Intelligence Analysts (3,972 or 4%); and Other (51,822 or 48%). "Other" captures analysts, administrative, clerical, information technology specialists, legal services, and security specialists

Funding (FY 2015 - 2018)



Note: FY 2015 Discretionary excluded \$1.1 billion from AFP Transfer

Budget by Category



Notes: Does not include ATR and USTP fees.
FY 2018 S&L includes \$610 million funding from CVF

**U.S. DEPARTMENT OF JUSTICE
FY 2018 BUDGET SUMMARY**

The Department's FY 2018 Discretionary Budget request totals \$27.7 billion, including \$25.8 billion for federal programs (net fees) and a net \$1.9 billion for state, local, and tribal assistance programs.

The Department defends the interests of the United States and protects all Americans. The FY 2018 Budget reflects the Attorney General's highest priorities. By protecting national security, this budget ensures public safety against foreign and domestic threats, including cyber threats. It provides the needed resources so that Federal, state, local and tribal law enforcement agencies can fight back against violent crime and protect American cities. It tackles the opioid epidemic that is destroying neighborhoods. Finally, it prioritizes efforts to counter illegal immigration and protect America's borders. We continue to focus on our vital national security mission, including confronting cyber threats and ensuring the safety of all Americans. Illicit activities such as drug trafficking continue to threaten the fabric of our communities. The FY 2018 request includes resources to confront each of these threats.

***This budget confronts violent crime across the country,
defends our immigration laws, and protects national
security, to make America safe.***

Notable investments include:

+ \$403 million for the Federal law enforcement operations—the Federal Bureau of Investigation, the U.S. Marshals Service, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Drug Enforcement Administration—securing our nation and implementing a range of efforts to target violent criminals and to combat transnational organized crime groups, especially those trafficking drugs into the United States.

+ \$61 million for the United States Attorneys, including \$26 million for 300 new Assistant U.S. Attorneys (AUSAs) nationwide: 230 AUSAs to prosecute violent criminals and ensure our neighborhoods are freed from their threat, and an additional 70 AUSAs to protect our borders and restore our sovereignty by prosecuting immigration law violations.

+ \$14 million for the Department's litigating components, including \$3.7 million and 40 new positions for the Environment and Natural Resources Division and \$6 million for the National Security Division.

+ \$79 million for the Executive Office of Immigration Review (EOIR), including \$75 million for 75 new Immigration Judges and associated positions, boosting the Department's capacity for prompt, efficient, and just hearings for those accused of violations of immigration law.

\$2.0 billion in discretionary funding, plus an additional \$3.1 billion in mandatory sources, totaling \$5.1 billion for Federal grants to State, local, and tribal law enforcement and victims of crime, to ensure greater safety for law enforcement personnel and the people they serve. Critical programs aimed at protecting the life and safety of state and local law enforcement personnel, including the COPS Hiring Program, Preventing Violence Against Law Enforcement Officer Resilience and Survivability and the Bulletproof Vest Partnership, demonstrate our continuing commitment to supporting state, local, and tribal law enforcement.

Further, the FY 2018 Budget streamlines programs and redirects funding to improve the capabilities of the Department, and proposes \$1.5 billion in efficiencies and federal program offsets, and an additional \$702 million in program eliminations, rescissions and reductions. The Budget request reprioritizes spending to fund increases in priority initiatives that secure the safety and prosperity of the American people.

Finally, the FY 2018 Budget includes \$3 billion for the Crime Victims Fund (CVF). Highlights within this are \$2.2 billion for states to support enforcing victims' rights; \$445 million for the Violence Against Women programs (which, when combined with a direct appropriation of \$35 million, will provide a total of \$480 million); \$25 million for Vision

21 to improve the treatment of crime victims and victim services and a 5 percent set-aside for tribal governments; and \$10 million for oversight of CVF grant programs by the Department's Office of Inspector General.

Discretionary Budget Authority (BA)

The table below displays the Department's FY 2016 enacted appropriation, FY 2017 Annualized Continuing Resolution, and the FY 2018 President's Budget request. The table shows the dollar and percent change between the FY 2018 President's Budget Request and the FY 2017 Annualized Continuing Resolution.

	Dollars in Millions				
	FY 2016 Enacted	FY 2017 Annualized Continuing Resolution	FY 2018 Request	Change FY 2018 over FY 2017	% Change FY 2018 over FY 2017
Federal Programs					
Law Enforcement Operations	\$13,472	\$13,457	\$13,743	\$286	2.1%
Law Enforcement Construction	324	323	67	-256	-79.3%
US Attorneys	2,000	1,996	2,057	61	3.1%
Litigating Components	1,379	1,376	1,390	14	1.0%
Admin/Technology/Other	647	646	655	9	1.4%
<i>Subtotal, DOJ Operations</i>	<i>17,822</i>	<i>17,799</i>	<i>17,912</i>	<i>113</i>	<i>0.6%</i>
Prisons and Detention Operation	8,207	8,300	8,177	-123	-1.5%
Prisons Construction	530	529	113	-416	-78.6%
Subtotal, Federal Programs (BA)	\$26,559	\$26,628	\$26,203	-\$425	-1.6%
State and Local Grants¹	\$2,438	\$2,445	\$1,930	-515	-21.0%
Funding from CVF	[-379]	[-379]	[-610]	[-231]	-60.9%
Subtotal, Discretionary BA w/o Mandatory Savings	\$28,997	\$29,072	\$28,133	-\$939	-3.2%
ATR and USTP Fees	-286	-251	-402	-151	-60%
Subtotal, Discretionary BA with Fees and w/o Mandatory Savings	\$28,711	\$28,821	\$27,732	-\$1,090	-3.8%
Scorekeeping Credits ²	[-9,937]	[-11,837]	-11,324		
Total, Net Discretionary (BA)	\$28,711	\$28,821	\$16,408	-12,413	-43.1%

¹ This level includes funding available for discretionary programs through the Crime Victims Fund; the FY 2018 discretionary and mandatory request for state, local, and tribal law enforcement assistance is \$5.1 billion. These amounts include rescissions.

² Scorekeeping, or "Mandatory Savings," reflect credits applied to DOJ's discretionary budget authority from the Crime Victims Fund (CVF) and the Assets Forfeiture Fund (AFF) only in the budget year. For FY 2018, the CVF credit estimate is \$11 billion including \$1.3 billion rescission, a decrease of \$359 million from the FY 2017 annualized Continuing Resolution of \$11.4 billion, and the AFF credit estimate is \$304 million, a decrease of \$154 million from the FY 2017 annualized Continuing Resolution.

HIGHLIGHTS

Budget highlights are summarized below. A comprehensive listing of all program enhancements included in the Department's submission is available in Section II, organized by component.

National Security +\$98.5 million

Supports federal law enforcement activities for the Federal Bureau of Investigation (FBI). The FBI will devote resources toward supporting the efforts of its world-class cadre of special agents and intelligence analysts, as well as invest \$41.5 million to continue the Bureau's cyber efforts. In addition, the FBI will dedicate \$21.6 million to counter the threat of Going Dark; \$19.7 million to address threats posed by foreign intelligence and insider threats within the Federal government; \$8.2 million to support ongoing surveillance operations; and \$7.4 million to operate the new Biometrics Technology Center, where the FBI, together with the Department of Defense (DOD), leads Federal efforts in biometric identity resolution, research, and development.

Combatting Violent Crime +\$198.5 million

This budget requests an additional \$198.5 million to strengthen federal law enforcement's ability to reduce violent crime and counter human, drug, and weapons trafficking. Of this, a special emphasis is on \$19 million requested for 230 Assistant U.S. Attorneys to address violent crime across the country. Furthermore, \$70 million is for a reimagined Project Safe Neighborhoods grants program, which will be administered as a block grant so that states and localities have the greatest flexibility in addressing their most pressing needs. An additional \$19 million is to implement the recommendations of the Attorney General's Violent and Gun-Related Crime Task Force. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is seeking an additional \$10.5 million: \$6.5 million to expand the ability of state, local, and tribal partners to maximize intelligence about firearms used in violent crimes, and \$4.0 million to ensure timely execution of National Firearms Act transfers. The budget also includes \$40.4 million for prescription opioid and heroin enforcement efforts, and \$419.6 million for DEA's Diversion Control Program.

Enforce Immigration Laws +\$144.9 million

The FY 2018 budget enhances border security and immigration enforcement, and improves the Department's ability to conduct more efficient and expedient immigration hearings to combat illegal entry and unlawful presence in the United States. The

Department requests funding to hire 75 additional immigration judge teams to more efficiently adjudicate proceedings. This budget further enhances border security and immigration enforcement by providing 70 additional immigration enforcement prosecutors and 40 deputy U.S. Marshals. It supports the addition of 20 positions, including 12 attorneys, to pursue efforts to obtain the land and holdings necessary to secure the Southwest border, and 20 positions (15 attorneys) for civil immigration litigation assistance. Funds provided will assist the Environmental and Natural Resources Land Acquisition Section, the U.S. Attorneys and the Civil Division Office of Immigration Litigation. Additional funds are provided for the U.S. Marshals Federal Prisoner Detention to fund increased detention costs resulting from expansion of DHS and DOJ enforcement.

Bankruptcy Filing Fees

Those using the bankruptcy court system should pay for its oversight. To accomplish this, the budget proposes increasing quarterly filing fees. The total estimated United States Trustee Program offsetting receipts would reach \$289 million in 2018.

Prisons – Salaries & Expenses, +\$150 million

The Department's budget provides \$150 million in cost increases, which protects the ability of the Bureau of Prisons (BOP) to meet mandatory prison operations. This includes \$10 million for expected population growth, to address the results of the emphasis on prosecuting violent criminals and getting them off America's streets and into its facilities. Another \$80 million allows the completion of prison activation that will reduce overcrowding in the most dangerous high security installations.

State, Local and Tribal Programs +\$5.1 billion³

Safeguards Federal grants to State, local, and tribal law enforcement, and to victims of crime, to ensure greater safety for law enforcement personnel and the people they serve. Critical programs aimed at protecting the life and safety of state and local law enforcement personnel, including Preventing Violence Against Law Enforcement Officer Resilience and Survivability and the Bulletproof Vest Partnership, are protected. The Department is introducing a revitalized Project Safe Neighborhood block grant to create safer neighborhoods.

³ Reflects total discretionary and mandatory levels.

INDIAN COUNTRY

The FY 2018 President's Budget requests \$518 million in total resources for public safety initiatives in Indian Country. Investments support activities across many DOJ components that address a range of issues facing Native American communities. The Department is requesting resources to include, \$91 million for OJP as part of 7 percent flexible tribal grant set-aside; \$30 million for COPS to support the Department's Tribal Resource Grant Program; \$53 million for OVW to support tribal governments and tribal coalitions; \$1 million for the Office of Tribal Justice to support tribal affairs and an additional \$193 million for Indian Country investments from other DOJ components.

**REQUIREMENTS REQUESTED IN
 OTHER FEDERAL AGENCY BUDGETS**

Health Care Fraud (Department of Health and Human Services- HHS)

Fighting health care fraud is a top priority for the Administration. Through the Medicare Fraud Strike Forces, a Cabinet-level commitment to combat health care fraud, waste, and abuse, DOJ, HHS's Centers for Medicare & Medicaid Services (CMS), and HHS-OIG carry out a coordinated program to reduce fraud and recover taxpayer dollars. Each Medicare Fraud Strike Force partner plays a critical role in this effort to reduce Medicare and Medicaid fraud, waste and abuse, including DOJ's investigative and prosecutorial activities and tougher sentencing guidelines funded through the Health Care Fraud and Abuse Control Program (HCFAC), CMS's enhanced provider screening and fraud prevention endeavors, and the OIG's investigative, audit, evaluation, and data analytic work. Together, these efforts root out existing fraud and abuse and act as a deterrent for potential future bad actors. This collaboration continues to demonstrate positive results, yielding a \$5 to \$1 return on investment for law enforcement and detection efforts in FY 2016.

The HCFAC cap adjustment requested in the FY 2018 President's Budget will allow DOJ and HHS to continue to enhance existing, successful health care fraud prevention and law enforcement efforts by investing more in proven anti-fraud and abuse strategies.

For FY 2018, DOJ is requesting a total of \$274.7 million in discretionary and mandatory funds for health care fraud activities. The request is an increase of \$24.9 million above the FY 2017 annualized Continuing Resolution (CR) level. It will support criminal and civil

health care fraud enforcement efforts funded by discretionary HCFAC resources, as well as inflationary increases for activities funded by mandatory health care fraud resources.

Vaccine Injury Compensation Program
 (Department of Health and Human Services - HHS)

The VICP is designed to encourage childhood vaccination by providing a streamlined compensation system for instances in which an injury results from vaccination. For FY 2018, DOJ requests \$9.4 million, which is equal to current funding levels. Over the past 12 years, the VICP has succeeded in providing a less adversarial, less expensive, and less time-consuming recovery system than the traditional tort system that governs medical malpractice, personal injury, and product liability cases. More than 1,500 people have received in excess of \$1.18 billion (combined) since the program's inception in 1988.

II. Summary Information by Appropriation

U. S. DEPARTMENT OF JUSTICE
SUMMARY OF BUDGET AUTHORITY BY APPROPRIATION
(Dollars in Thousands)

APPROPRIATION	FY 2016 ENACTED	FY 2017 ANNUALIZED CONTINUING RESOLUTION	FY 2018 REQUEST	CHANGE FY 2018 OVER 2017	% CHANGE FY 2018 OVER FY 2017
GENERAL ADMINISTRATION	\$111,500	\$111,288	\$114,000	\$2,712	2.4%
JUSTICE INFORMATION SHARING TECHNOLOGY	31,000	30,941	30,941	0	0.0%
ADMINISTRATIVE REVIEW & APPEALS	426,791	423,970	505,367	79,388	18.6%
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW	418,295	417,500	496,407	78,907	18.9%
Transfer from Immigration Fees Account	4,000	3,992	4,000	8	0.2%
PARDON ATTORNEY	4,496	4,487	4,960	473	10.5%
OFFICE OF THE INSPECTOR GENERAL	93,709	93,531	95,328	1,797	1.9%
WORKING CAPITAL FUND (Rescissions)	-69,000	-69,000	-144,768	-75,768	109.8%
U.S. PAROLE COMMISSION	13,308	13,283	13,283	0	0.0%
NATIONAL SECURITY DIVISION	95,000	94,819	101,031	6,212	6.6%
GENERAL LEGAL ACTIVITIES	893,000	891,302	899,000	7,698	0.9%
SOLICITOR GENERAL	11,885	11,862	11,916	54	0.5%
TAX DIVISION	106,978	106,776	106,858	82	0.1%
CRIMINAL DIVISION	181,745	181,399	182,218	819	0.5%
CIVIL DIVISION	282,214	291,658	291,750	92	0.0%
ENVIRONMENT & NATURAL RESOURCES DIVISION	110,512	110,302	115,598	5,296	4.8%
LEGAL COUNSEL	7,989	7,974	8,010	36	0.5%
CIVIL RIGHTS DIVISION	148,239	147,957	148,125	168	0.1%
INTERPOL	33,437	33,374	34,525	1,151	3.4%
VACCINE INJURY COMPENSATION TRUST FUND	[9,358]	[9,340]	[9,340]	0	0.0%
ANITRUST	164,977	164,663	164,663	0	0.0%
U.S. ATTORNEYS	2,000,000	1,996,198	2,057,252	61,054	3.1%
U.S. TRUSTEES	225,908	225,479	225,479	0	0.0%
FOREIGN CLAIMS SETTLEMENT COMMISSION	2,374	2,369	2,409	40	1.7%
U.S. MARSHALS SERVICE	2,504,021	2,607,813	2,802,971	195,158	7.5%
SALARIES & EXPENSES	1,230,581	1,228,242	1,252,000	23,758	1.9%
CONSTRUCTION	15,000	14,971	14,971	0	0.0%
FEDERAL PRISONER DETENTION	1,454,414	1,451,815	1,536,000	84,185	5.8%
Rescission of Prior Year Balances	-195,974	-87,215	0	87,215	-100.0%
COMMUNITY RELATIONS SERVICE	14,446	14,419	14,419	0	0.0%
ASSETS FORFEITURE FUND CURRENT BUDGET AUTHORITY	20,514	20,475	21,475	1,000	4.9%
INTERAGENCY CRIME & DRUG ENFORCEMENT	512,000	511,027	526,000	14,973	2.9%
FEDERAL BUREAU OF INVESTIGATION	8,718,001	8,701,428	8,579,477	-121,951	-1.4%
SALARIES & EXPENSES	8,489,786	8,473,800	8,722,582	248,782	2.9%
Rescission of Prior Year Balances - Direct and CJIS	-80,767	-80,767	-195,000	-114,233	141.4%
CONSTRUCTION	308,982	308,395	51,895	-256,500	-83.2%
DRUG ENFORCEMENT ADMINISTRATION	2,080,000	2,087,025	2,164,051	77,026	3.7%
SALARIES & EXPENSES	2,080,000	2,087,025	2,164,051	77,026	3.7%
BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES	1,240,000	1,237,643	1,273,776	36,133	2.9%
SALARIES & EXPENSES	1,240,000	1,237,643	1,273,776	36,133	2.9%
FEDERAL PRISON SYSTEM	7,478,500	7,464,283	6,754,248	-710,035	-8.5%
SALARIES & EXPENSES	6,948,500	6,935,291	7,085,248	149,957	2.2%
BUILDINGS & FACILITIES	530,000	528,992	113,000	-415,992	-78.6%
Rescission of Prior Year Balances - BOP B&F	0	0	-444,000	-444,000	0.0%
FEDERAL PRISON INDUSTRIES (Inflation on Administrative Expenses)	2,700	2,695	2,695	0	0.0%
SUBTOTAL, DISCRETIONARY w/o State and Local	26,558,749	26,627,660	26,203,997	-424,563	-1.6%
DISCRETIONARY GRANTS PROGRAMS	2,437,960	2,444,731	1,930,300	-514,431	-21.0%
OFFICE OF JUSTICE PROGRAMS	1,770,960	1,795,016	1,257,300	-537,716	-30.0%
RESEARCH, EVALUATION & STATISTICS	116,000	117,776	111,000	-6,776	-5.8%
OJP SALARIES AND EXPENSES	[214,617]	[214,209]	[220,209]	0	0.0%
JUVENILE JUSTICE PROGRAMS	270,160	269,646	229,500	-40,146	-14.9%
Funding within CVF - JJP	0	0	[-92,000]	[-92,000]	[100%]
STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE	1,408,500	1,431,325	940,500	-490,825	-34.3%
Funding within CVF - S&L	0	0	[-73,000]	[-73,000]	[100%]
PUBLIC SAFETY OFFICERS' BENEFITS	16,300	16,289	16,300	31	0.2%
OJP- wide rescissions	-40,000	-40,000	-40,000	0	0.0%
COMMUNITY POLICING (INCLUDES OJP PROGRAMS)	202,000	199,618	208,000	17,382	9.1%
COMMUNITY POLICING	212,000	200,618	218,000	17,382	8.7%
COPS SALARIES AND EXPENSES	[37,374]	[37,303]	[37,303]	0	0.0%
Rescission of Prior Year Balances	-10,000	-10,000	-10,000	0	0.0%
OFFICE ON VIOLENCE AGAINST WOMEN	485,000	459,097	465,000	5,903	1.3%
OFFICE OF VIOLENCE AGAINST WOMEN	480,000	474,097	480,000	5,903	1.2%
Funding within CVF - OVW	[-379,000]	[-379,000]	[-445,000]	[-66,000]	[0.2%]
OVW SALARIES AND EXPENSES	[19,912]	[19,874]	[19,874]	0	0.0%
Rescission of Prior Year Balances	-15,000	-15,000	-15,000	0	0.0%
SUBTOTAL, DISCRETIONARY w/o Scorekeeping Credits	28,996,709	29,072,391	28,133,397	-938,994	-3.2%

U. S. DEPARTMENT OF JUSTICE
SUMMARY OF BUDGET AUTHORITY BY APPROPRIATION
(Dollars in Thousands)

APPROPRIATION	FY 2016 ENACTED	FY 2017 ANNUALIZED CONTINUING RESOLUTION	FY 2018 REQUEST	CHANGE FY 2018 OVER FY 2017	% CHANGE FY 2018 OVER FY 2017
FEE COLLECTIONS					
Offset from Antitrust Pre-Merger Filing Fee	-124,000	-128,000	-112,700	15,300	-12.0%
Offset from U.S. Trustee Fees and Interest on U.S. Securities	-162,000	-123,000	-289,000	-166,000	135.0%
SUBTOTAL, FEES COLLECTIONS	-286,000	-251,000	-401,700	-156,700	60.0%
SUBTOTAL, DISCRETIONARY with Fees	28,710,709	28,821,331	27,731,697	-1,089,634	-3.8%
SCOREKEEPING CREDITS					
CRIME VICTIMS FUND	-9,479,000	-11,379,000	-11,020,000	359,000	-3.2%
CRIME VICTIMS FUND - Rescission	0	0	[-1,310,000]	[-1,310,000]	-100.0%
ASSETS FORFEITURE FUND	-459,000	-458,000	-304,000	154,000	-33.6%
ASSETS FORFEITURE FUND - Permanently Cancelled	-746,000	0	0	0	0.0%
SUBTOTAL, SCOREKEEPING CREDITS	-10,683,000	-11,837,000	-11,324,000	513,000	-4.3%
TOTAL, DCJ DIRECT DISCRETIONARY BA	18,027,709	16,984,331	16,407,697	-576,634	-3.4%
MANDATORY AND OTHER ACCOUNTS:					
FEES AND EXPENSES OF WITNESSES (MANDATORY)	270,000	270,000	270,000	0	0.0%
Sequester Cut	-18,360	0	0	0	0.0%
INDEPENDENT COUNSEL (PERMANENT INDEFINITE)	500	500	500	0	0.0%
RADIATION EXPOSURE COMPENSATION TRUST FUND (MANDATORY)	65,000	65,000	50,000	-15,000	-23.1%
PUBLIC SAFETY OFFICERS' DEATH BENEFITS (MANDATORY)	72,000	72,000	72,000	0	0.0%
Sequester Cut	-677	0	0	0	0.0%
ASSETS FORFEITURE FUND (PERMANENT BUDGET AUTHORITY)	1,975,275	1,378,756	1,380,013	1,257	0.1%
Sequester Cut	-148,409	0	0	0	0.0%
ANTITRUST PRE-MERGER FILING FEE COLLECTIONS	124,000	128,000	112,700	-15,300	-12.0%
U. S. TRUSTEES FEE COLLECTIONS	162,000	123,000	289,000	166,000	135.0%
CRIMINAL JUSTICE INFORMATION SERVICES (FBI)	433,000	433,000	433,000	0	0.0%
DIVERSION CONTROL FEE	371,514	346,336	419,574	73,238	21.1%
Sequester Cut	-25,024	0	0	0	0.0%
9/11 VICTIM COMPENSATION FUND	2,565,300	818,195	0	-818,195	-100.0%
VICTIM COMPENSATION FUND	0	4,600,000	0	-4,600,000	-100.0%
DOMESTIC VICTIMS OF TRAFFICKING	6,000	6,000	6,000	0	0.0%
CRIME VICTIMS FUND	3,042,000	3,042,000	3,000,000	-42,000	-1.4%
VICTIM OF STATE SPONSORED TERRORISM	0	1,025,000	0	-1,025,000	-100.0%
SUBTOTAL, MANDATORY AND OTHER ACCOUNTS	8,894,119	12,207,787	6,032,787	-6,275,000	-51.0%
TOTAL BA, DISCR & MANDATORY, DEPT. OF JUSTICE	26,921,828	29,202,178	22,440,484	-6,851,694	-23.4%
HEALTH CARE FRAUD REIMBURSEMENTS					
HCFAC MANDATORY REIMBURSEMENT	58,579	58,045	63,831	5,786	10.0%
FBI-HEALTH CARE FRAUD - Mandatory	130,303	131,335	144,454	13,119	10.0%
HCFAC DISCRETIONARY REIMBURSEMENT	60,480	60,480	66,363	5,883	9.7%
SUBTOTAL, HEALTH FRAUD REIMBURSEMENTS	249,362	249,860	274,648	24,788	9.9%
TOTAL BA, DEPARTMENT OF JUSTICE, WITH OFFSET	27,171,190	29,542,038	22,715,132	-6,826,906	-23.1%

**DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2018 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)**

	FY 2018 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
2017 Annualized Continuing Resolution with Fee Collections and Scorekeeping (for Information)	117,274	9,924	44,832	116,909	16,984,391
2017 Annualized Continuing Resolution with Fee Collections	117,274	9,924	44,832	107,810	28,821,391
2017 Reimbursable FTE - Base	0	0	0	9,099	0
2017 Annualized Continuing Resolution with Fee Collections & Reimb FTE	117,274	9,924	44,832	116,909	28,821,391
Technical Adjustments					
Antitrust - Pre-Merger Filing Fees Collections	0	0	0	0	15,300
DHS Immigration Examination Fees - EOIR	0	0	0	0	-3,992
Restoration of Rescission - COPS	0	0	0	0	10,000
Restoration of Rescission - FBI S&E	0	0	0	0	80,767
Restoration of Rescission - OJP	0	0	0	0	40,000
Restoration of Rescission - OVW	0	0	0	0	15,000
Restoration of Rescission - USMS FPD	0	0	0	0	87,215
Restoration of Rescission - WCF	0	0	0	0	69,000
Technical Adjustment - COPS Transfer	0	0	0	0	-10,979
Technical Adjustment - COPS/DEA Methamphetamine Enforcement and Cleanup	0	0	0	0	10,979
Technical Adjustment - NIST - Bulletproof Vest Partnership	0	0	0	0	1,497
Technical Adjustment - NIST - Forensic Sciences	0	0	0	0	2,994
Technical Adjustment - OVW Transfer	0	0	0	0	-4,990
Technical Adjustment - RES Violence Against Women (NIJ)	0	0	0	0	4,990
U.S. Trustees - Fees Collections	0	0	0	0	-186,000
Subtotal, Technical Adjustments	0	0	0	0	151,781
2017 Annualized Continuing Resolution with Tech Adj & Reimb FTE	117,274	9,924	44,832	116,909	28,973,172
Base Adjustments					
ATB Transfers - Non-GRANTS					
Transfers - DHS Immigration Examination Fee Account	0	0	0	0	4,000
Subtotal, ATB Transfers - Non-GRANTS	0	0	0	0	4,000
Pay & Benefits					
2018 Pay Raise - 1.9%	0	0	0	0	203,388
Administratively Determined Pay Plan - USA	0	0	0	0	10,116
Annualization of 2016 Approved Positions	0	0	0	0	250
Annualization of 2017 Pay Raise - 2.88%	0	0	0	0	102,980
Attrition and/or Administrative Savings	-2,125	-32	-340	-2,084	-268,877
Employees Compensation Fund	0	0	0	0	1,015
Health Insurance	0	0	0	0	82,785
Position Rightizing Adjustment	-9,398	-131	-1,435	-1,503	0
Retirement	0	0	0	0	17,624
Retirement FERS Revised Annuity Employees (RAE) Savings	0	0	0	0	-2,374
Subtotal, Pay & Benefits	-11,523	-163	-1,775	-3,587	146,907
Domestic Rent & Facilities					
GSA Rent	0	0	0	0	26,522
Guard Service	0	0	0	0	4,408
Moves	0	0	0	0	144,490
Move - FY 2016 Non-Recur	0	0	0	0	-17,181
Moves - Non-Recur	0	0	0	0	-9,041
Subtotal, Domestic Rent & Facilities	0	0	0	0	149,198
Other Adjustments					
Legacy Radio O&M	0	0	0	0	4,297
Security Investigations	0	0	0	0	4,572
Subtotal, Other Adjustments	0	0	0	0	8,869

**DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2018 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)**

	FY 2018 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
Foreign Expenses					
Capital Security Cost Sharing	0	0	0	0	-22,090
Education Allowance	0	0	0	0	38
Government Leased Quarters (GLQ)	0	0	0	0	109
ICASS	0	0	0	0	4,853
Interpol Dues	0	0	0	0	1,920
Post Allowance - Cost of Living Allowance (COLA)	0	0	0	0	172
State Department Passport Costs	0	0	0	0	605
Sydney Consulate Relocation Project Cost Sharing	0	0	0	0	4,348
Subtotal, Foreign Expenses	0	0	0	0	-10,245
Prison and Detention					
Annualization of New Facilities	295	0	0	295	80,000
Contract Confinement Adjustment - BOP	0	0	0	0	2,754
Food Cost Adjustments - BOP	0	0	0	0	3,680
Jail Day Increase - FPD	0	0	0	0	33,772
Medical Cost Adjustments - BOP	0	0	0	0	34,370
Population Adjustments - BOP	0	0	0	0	10,394
Utility Costs Adjustments - BOP	0	0	0	0	5,262
Subtotal, Prison and Detention	295	0	0	295	170,212
Non-Personnel Related Decreases					
Non-Recrural - Headquarters and TEDAC	0	0	0	0	-240,000
Non-Recrural of USP Letcher	0	0	0	0	-444,000
Subtotal, Non-Personnel Related Decreases	0	0	0	0	-684,000
Subtotal, Base Adjustments	-11,228	-163	-1,775	-3,292	-215,059
Subtotal, Technical and Base Adjustments	-11,228	-163	-1,775	-3,292	-63,278
2018 Current Services w/o Reimbursable FTE	106,046	9,761	43,057	104,518	28,758,113
ATB Reimbursable FTE Changes					
ATB Reimbursable Position/FTE Adjustment	0	0	0	12	0
Subtotal, ATB Reimbursable FTE Changes	0	0	0	12	0
2018 Current Services with Reimbursable FTE	106,046	9,761	43,057	113,629	28,758,113
Program Changes					
Administrative Review & Appeals					
Executive Office for Immigration Review					
Immigration Judge Teams (75 Additional Teams)	450	150	0	225	74,950
Total, Executive Office for Immigration Review	450	150	0	225	74,950
Total, Administrative Review & Appeals	450	150	0	225	74,950
General Legal Activities					
Civil Division					
Office of Immigration Litigation (Attorneys and Support Staff)	20	15	0	10	1,876
Total, Civil Division	20	15	0	10	1,876
Environment & Natural Resources Division					
Land Acquisition Section (20 Attorneys and Support Staff)	20	12	0	10	1,798
Total, Environment & Natural Resources Division	20	12	0	10	1,798
Total, General Legal Activities	40	27	0	20	3,674
U.S. Attorneys					
Immigration Enforcement Prosecutors	70	60	0	43	7,168
Violent Crime Prosecutors	230	30	0	85	18,783
Total, U.S. Attorneys	300	90	0	128	25,951

DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2018 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)

	FY 2018 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
U.S. Marshals Service					
U.S. Marshals Service S&E					
DUSM Life and Safety	0	0	0	0	12,000
Immigration Enforcement Initiative	40	0	40	20	8,755
Violent and Gun-Related Crime Reduction Task Force	0	0	0	0	5,975
Total, U.S. Marshals Service S&E	40	0	40	20	26,730
Federal Prisoner Detention					
Population Increase - Immigration Enforcement	0	0	0	0	50,349
Total, Federal Prisoner Detention	0	0	0	0	50,349
Total, U.S. Marshals Service	40	0	40	20	77,079
Asset Forfeiture Program (Discretionary Authority)					
Asset Forfeiture Program	0	0	0	0	1,000
Total, Asset Forfeiture Program (Discretionary Authority)	0	0	0	0	1,000
Interagency Crime & Drug Enforcement					
Interagency Crime & Drug Enforcement S&E					
Violent Crime, the Opioid Epidemic, and Transnational Organized Crime	0	0	0	0	5,761
Total, Interagency Crime & Drug Enforcement S&E	0	0	0	0	5,761
Total, Interagency Crime & Drug Enforcement	0	0	0	0	5,761
Federal Bureau of Investigation					
FBI Salaries and Expenses					
Cyber	36	0	20	36	41,474
Foreign Intelligence and Insider Threat	93	0	50	93	19,727
Going Dark/Investigative Technology	80	0	20	80	21,636
Transnational Organized Crime	65	0	40	65	6,779
Physical Surveillance	78	0	0	78	8,242
Biometric Technology Center (BTC) O&M	0	0	0	0	7,375
Violent and Gun-Related Crime Reduction Task Force	33	0	20	33	3,450
National Instant Criminal Background Check System (NICS)	85	0	0	85	8,900
Total, FBI Salaries and Expenses	470	0	150	470	117,583
FBI Construction					
Program Offset - Secure Work Environment	0	0	0	0	-16,500
Total, FBI Construction	0	0	0	0	-16,500
Total, Federal Bureau of Investigation	470	0	150	470	101,083
Drug Enforcement Administration					
Drug Enforcement Administration - S&E					
Heroin Enforcement	0	0	0	0	8,500
Transnational Organized Crime	0	0	0	0	6,500
Violent and Gun-Related Crime Reduction Task Force	0	0	0	0	5,965
Total, Drug Enforcement Administration - S&E	0	0	0	0	20,965
Total, Drug Enforcement Administration	0	0	0	0	20,965
Bureau of Alcohol, Tobacco, Firearms, and Explosives					
ATF Salaries & Expenses					
Violent and Gun-Related Crime Reduction Task Force	0	0	0	0	3,530
National Integrated Ballistics Information Network (NIBIN)	0	0	0	0	6,500
Expediting NFA Applications	0	0	0	0	4,000
Total, ATF Salaries & Expenses	0	0	0	0	14,030
Total, Bureau of Alcohol, Tobacco, Firearms, and Explosives	0	0	0	0	14,030

**DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2018 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)**

	FY 2018 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
Federal Prison System					
FPS Buildings & Facilities					
Maintenance and Repair	0	0	0	0	27,760
Total, FPS Buildings & Facilities	0	0	0	0	27,760
Total, Federal Prison System	0	0	0	0	27,760
Total, Discretionary w/o State and Local	1,300	267	190	863	352,253
Discretionary Grant Programs					
Office of Justice Program					
Research Evaluation and Statistic Total					
Research Evaluation and Statistic (JA)					
National Institute of Justice (NIJ)	0	0	0	0	67
Bureau of Justice Statistics (BJS)	0	0	0	0	78
Forensic Sciences - NIST	0	0	0	0	8
Program Offset - NIST Transfer	0	0	0	0	[3,000]
Program Offset - Regional Information Sharing System (RISS)	0	0	0	0	-4,933
Total, Research Evaluation and Statistic (JA)	0	0	0	0	-4,780
Total, Research Evaluation and Statistic Total	0	0	0	0	-4,780
Juvenile Justice Programs - Total					
Juvenile Justice Programs					
Part B: Formula Grants	0	0	0	0	110
Victims of Child Abuse - APRJ	0	0	0	0	38
Improving Juvenile Indigent Defense	0	0	0	0	5
Child Abuse Training for Judicial Personnel	0	0	0	0	5
Program Offset - Community-Based Violence Prevention Initiatives	0	0	0	0	-7,985
Program Offset - Missing and Exploited Children Program (MECP)	0	0	0	0	-23
Program Offset: Title V: Local Delinquency Prevention Incentive Grants	0	0	0	0	-467
Program Offset: Youth Mentoring	0	0	0	0	-31,829
Total, Juvenile Justice Programs	0	0	0	0	-40,146
Total, Juvenile Justice Programs - Total	0	0	0	0	-40,146
State and Local Law Enforcement Assistance - Total					
State and Local Law Enforcement Assistance					
Violence Reduction Network	0	0	0	0	5,000
Prison Rape Prevention and Prosecution Program	0	0	0	0	5,020
National Criminal History Improvement Program (NCHIP)	0	0	0	0	5,091
Adam Walsh Act Implementation	0	0	0	0	38
Residential Substance Abuse Treatment	0	0	0	0	23
Mental Health Collaborations	0	0	0	0	19
Veterans Treatment Courts	0	0	0	0	11
Victims of Trafficking	0	0	0	0	86
Capital Litigation Improvement Grant Program	0	0	0	0	5
National Sex Offender Public Website	0	0	0	0	2
Court-Appointed Special Advocate	0	0	0	0	17
PSN Block Grant	0	0	0	0	70,000
Defending Childhood/Children Exposed to Violence	0	0	0	0	15
Community Teams to Reduce SAK Backlog	0	0	0	0	86
Program Offset - Body Worn Camera Partnership Program	0	0	0	0	-22,457
Program Offset - Body Worn Cameras Research and Statistics	0	0	0	0	-4,990
Program Offset - Bulletproof Vest Partnership	0	0	0	0	-22,457
Program Offset - Byrne Criminal Justice Innovation Program	0	0	0	0	-14,971
Program Offset - Comprehensive School Safety	0	0	0	0	-54,857
Program Offset - Coverdell Forensic Science Grants	0	0	0	0	-474
Program Offset - DNA Initiative	0	0	0	0	-19,762
Program Offset - Drug Court Program	0	0	0	0	-1,920
Program Offset - Economic, High-Tech, Cybercrime Prevention	0	0	0	0	-1,975

**DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2018 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)**

	FY 2018 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
Program Offset - Indian Assistance	0	0	0	0	-28,943
Program Offset - John R. Justice Student Loan Repayment Program	0	0	0	0	-1,989
Program Offset - Justice Assistance Grants (JAG)	0	0	0	0	-42,785
Program Offset - Justice reinvestment Initiative	0	0	0	0	-5,448
Program Offset - NICS Improvement Act	0	0	0	0	-9,952
Program Offset - NIST - Bulletproof Partnership	0	0	0	0	-1,500
Program Offset - Prescription Drug Monitoring Program	0	0	0	0	-975
Program Offset - President-Elect Overtime	0	0	0	0	-7,000
Program Offset - Presidential Nominating Conventions	0	0	0	0	-99,810
Program Offset - Second Chance/Prisoner Reentry	0	0	0	0	-19,871
Program Offset - State Criminal Alien Assistance Program (SCAAP)	0	0	0	0	-209,601
Program Offset - Violent Gang and Gun Crime Reduction	0	0	0	0	-6,488
Total, State and Local Law Enforcement Assistance	0	0	0	0	-492,322
Total, State and Local Law Enforcement Assistance - Total	0	0	0	0	-492,322
Public Safety Officers' Benefits - Total					
Public Safety Officer's Benefits					
PSOB Program	0	0	0	0	31
Total, Public Safety Officer's Benefits	0	0	0	0	31
Total, Public Safety Officers' Benefits - Total	0	0	0	0	31
OJP - Salaries and Expenses					
Grants Net	0	0	0	0	[6,000]
Total, OJP - Salaries and Expenses	0	0	0	0	[6,000]
Total, Office of Justice Program	0	0	0	0	-537,217
Community Policing Total					
Community Policing					
COPS Hiring Program	0	0	0	0	20,356
DEA/COPS Methamphetamine Enforcement and Cleanup	0	0	0	0	21
Program Offset - Anti-Her in Task Forces	0	0	0	0	-6,987
Program Offset - Anti-Methamphetamine Task Forces	0	0	0	0	-6,987
Total, Community Policing	0	0	0	0	6,403
Total, Community Policing Total	0	0	0	0	6,403
Office on Violence Against Women - Total					
Office on Violence Against Women					
Grants to Combat Violence Against Women (STOP)	0	0	0	0	409
Research and Eval. Violence Against Women (NIJ)	0	0	0	0	10
Transitional Housing	0	0	0	0	57
Consolidated Youth Oriented Program	0	0	0	0	21
Grants to Encourage Arrest Policies	0	0	0	0	97
Rural Domestic Violence & Child Abuse Enforcement Assist.	0	0	0	0	65
Legal Assistance Program	0	0	0	0	86
Grants to support Families in the Justice System	0	0	0	0	30
Campus Violence	0	0	0	0	38
Disabilities Program	0	0	0	0	11
Elder Program	0	0	0	0	10
Sexual Assault Services	0	0	0	0	65
Indian Country - Sexual Assault Clearinghouse	0	0	0	0	1
National Resource Center on Workplace Responses	0	0	0	0	1
Research on Violence Against Indian Women	0	0	0	0	2
Tribal Special Domestic Violence Criminal Jurisdiction	0	0	0	0	5
Rape Survivor Child Custody Act Program	0	0	0	0	5
Total, Office on Violence Against Women	0	0	0	0	913
Total, Office on Violence Against Women - Total	0	0	0	0	913

**DEPARTMENT OF JUSTICE
DOJ DIRECT DISCRETIONARY BUDGET AUTHORITY
FY 2018 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)**

	FY 2018 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
Total, Discretionary Grant Programs	0	0	0	0	-529,901
Total, Discretionary Budget Authority	1,300	267	190	863	-177,648
Total, DOJ Direct Discretionary Budget Authority	1,300	267	190	863	-177,648
Rescission					
Cancellation of CJIS Surcharge Fee Balances	0	0	0	0	-195,000
Rescission - BOP B&F	0	0	0	0	-444,000
Rescission - COPS	0	0	0	0	-10,000
Rescission - OJP	0	0	0	0	-40,000
Rescission - OVW	0	0	0	0	-15,000
Rescission - WCF	0	0	0	0	-144,768
Subtotal, Rescission	0	0	0	0	-848,768
Total Program Changes, DISCRETIONARY BUDGET AUTHORITY	1,300	267	190	863	-1,028,418
2018 Total DISCRETIONARY BUDGET AUTHORITY	107,346	10,028	43,247	105,381	27,731,697
2018 Reimbursable FTE	0	0	0	9,111	0
2018 DISCRETIONARY BUDGET AUTHORITY with Reimbursable FTE	107,346	10,028	43,247	114,492	27,731,697
Change 2018 from 2017 Annualized Continuing Resolution	-9,928	104	-1,585	-2,417	-1,089,694
Percent Change 2018 from 2017 Annualized Continuing Resolution					-3.78%
Scorekeeping Credits					
Asset Forfeiture Fund	0	0	0	0	-304,000
Crime Victim Fund Rescissions	0	0	0	0	-[1,310,000]
Crime Victims Fund Credit	0	0	0	0	-11,020,000
Total, Discretionary Credits	0	0	0	0	-11,324,000
2018 DISCRETIONARY AUTHORITY w/ SCOREKEEPING, with Reimbursable FTE	107,346	10,028	43,247	114,492	16,407,697
Change 2018 from 2017 Annualized Continuing Resolution with Scorekeeping	-9,928	104	-1,585	-2,417	-576,694
Percent Change 2018 from 2017 Annualized Continuing Resolution with Scorekeeping					-3.40%

**U.S DEPARTMENT OF JUSTICE
FY 2018 PRESIDENT'S BUDGET
STATE, LOCAL AND TRIBAL LAW ENFORCEMENT ASSISTANCE
(Dollars in Thousands)**

	FY 2016 ENACTED	FY 2017 ANNUALIZED CR	FY 2018 PRESIDENT'S BUDGET	FY 2018 PRESIDENT'S BUDGET vs. FY 2017 ANNUALIZED CR
OFFICE OF JUSTICE PROGRAMS				
Justice Assistance/Research, Evaluation, and Statistics:				
National Institute of Justice (NIJ)	36,000	35,933	36,000	67
OFFICE ON VIOLENCE AGAINST WOMEN TRANSFER	0	4,990	0	-4,990
Bureau of Justice Statistics (BJS)	41,000	40,922	41,000	78
Forensic Sciences	4,000	998	4,000	3,002
Transfer to National Institute of Standards and Technology (NIST)	[3,000]	0	[3,000]	[3,000]
Regional Information Sharing System (RISS)	35,000	34,933	30,000	-4,933
TOTAL, JUSTICE ASSISTANCE	118,000	117,776	111,000	-6,776
State and Local Law Enforcement:				
Portion of Total Funding Transferred From the Crime Victims Fund	0	0	[73,000]	[73,000]
State Criminal Alien Assistance Program (SCAAP)	210,000	209,601	0	-209,601
Adam Walsh Act Implementation	20,000	19,962	20,000	38
Presidential Nominating Conventions	100,000	99,810	0	-99,810
Justice Assistance Grants (JAG)	376,000	375,285	332,500	-42,785
Domestic Radicalization Research	[4,000]	[3,992]	[4,000]	[8]
VALOR Initiative	[15,000]	[14,970]	[15,000]	[30]
Smart Policing	[5,000]	[4,990]	[5,000]	[10]
Body Worn Camera Partnership	0	0	[22,500]	[22,500]
Bulletproof Vest Partnerships	0	0	[22,500]	[22,500]
Transfer to NIST's Office of Law Enforcement Standards	0	0	[1,500]	[1,500]
Smart Prosecution	[2,500]	[2,495]	[4,000]	[1,505]
NamUs	[2,400]	[2,395]	[0]	[-2,395]
National Crime Reduction Assistance Network	0	0	5,000	5,000
Justice Reinvestment Initiative	27,500	27,448	22,000	-5,448
Residential Substance Abuse Treatment	12,000	11,977	12,000	23
Body Worn Camera Partnership Program	22,500	22,457	0	-22,457
Body Worn Cameras Research and Statistics	5,000	4,990	0	-4,990
Drug Court Program	42,000	41,820	40,000	-1,920
Mental Health Collaborations	10,000	9,981	10,000	19
Veterans Treatment Courts	6,000	5,989	6,000	11
Victims of Trafficking	45,000	44,914	45,000	86
Comprehensive Opioid Abuse Grant Program		20,000	20,000	0
Prescription Drug Monitoring Program	13,000	12,975	12,000	-975
Prison Rape Prevention and Prosecution Program	10,500	10,480	15,500	5,020
Capital Litigation Improvement Grant Program	2,500	2,485	2,500	5
National Sex Offender Public Website	1,000	998	1,000	2
Bulletproof Vest Partnership	22,500	20,960	0	-20,960
NIST/IOLES	[1,500]	0	0	0
National Criminal History Improvement Prog (NCHIP)	48,000	47,909	53,000	5,091
NICS Improvement Act	25,000	24,952	15,000	-9,952
Court-Appointed Special Advocate	9,000	8,983	9,000	17
DNA Initiative	125,000	124,762	105,000	-19,762
DNA Analysis and Capacity Enhancement Program	[117,000]	[116,778]	[97,000]	[-19,778]
Kirk Bloodsworth Post Conviction DNA Testing Program	[4,000]	[3,992]	[4,000]	[8]
Sexual Assault Forensic Exam Program Grants	[4,000]	[3,992]	[4,000]	[8]
Community Teams to Reduce the Sexual Assault Kit (SAK) Backlog	45,000	44,914	45,000	86
Coverdell Forensic Science Grants	13,500	13,474	13,000	-474
NAMUS	0	0	[2,400]	[2,400]
PSN Block Grant (NEW)	0	0	70,000	70,000
Violent Gang and Gun Crime Reduction	6,500	6,488	0	-6,488
Second Chance/Prisoner Reentry	68,000	67,871	48,000	-19,871
Smart Probation	[6,000]	[5,998]	[6,000]	[2]
Children of Incarcerated Parents (COIP) Demonstration Grants	[5,000]	[4,990]	[5,000]	[10]
Project HOPE	[4,000]	[3,992]	[4,000]	[8]
Pay for Success	[7,500]	[7,458]	[7,500]	[42]
Pay for Success (Permanent Supportive Housing Model)	[5,000]	[4,990]	[5,000]	[10]

**U.S DEPARTMENT OF JUSTICE
FY 2018 PRESIDENT'S BUDGET
STATE, LOCAL AND TRIBAL LAW ENFORCEMENT ASSISTANCE
(Dollars in Thousands)**

	FY 2016 ENACTED	FY 2017 ANNUALIZED CR	FY 2018 PRESIDENT'S BUDGET	FY 2018 PRESIDENT'S BUDGET vs. FY 2017 ANNUALIZED CR
Economic, High-Tech, Cybercrime Prevention	13,000	12,975	11,000	-1,975
<i>Intellectual Property Enforcement Program</i>	[2,500]	[2,495]	[2,500]	[5]
Defending Childhood/Children Exposed to Violence	8,000	7,985	8,000	15
Comprehensive School Safety	75,000	74,857	20,000	-54,857
Byrne Criminal Justice Innovation Program	15,000	14,971	0	-14,971
Indian Assistance	30,000	29,943	0	-29,943
John R. Justice Student Loan Repayment Program	2,000	1,999	0	-1,999
TOTAL, STATE AND LOCAL LAW ENFORCEMENT ASSIST.	1,408,500	1,424,325	940,500	-483,825
Add-Ons to Continuing Resolution:				
PRESIDENT ELECT OVERTIME	0	7,000	0	-7,000
TOTAL, STATE AND LOCAL LAW ENFORCEMENT ASSIST. WITH ADD-ONS	1,408,500	1,431,325	940,500	-490,825
Juvenile Justice and Safety Programs:				
Portion of Total Funding Transferred From the Crime Victims Fund	0	0	[92,000]	[92,000]
Part B: Formula Grants	58,000	57,890	58,000	110
Emergency Planning	[500]	[499]	[500]	[1]
Youth Mentoring	90,000	89,829	58,000	-31,829
Title V: Local Delinquency Prevention Incentive Grants	17,500	17,467	17,000	-467
<i>Tribal Youth Program</i>	[10,000]	[9,980]	[0]	[-9,980]
<i>Children of Incarcerated Parents</i>	[500]	[499]	[500]	[1]
<i>Gang Prevention</i>	[5,000]	[4,990]	[5,000]	[10]
<i>Competitive Grant for Girls in the Justice System</i>	[2,000]	[1,996]	[2,000]	[4]
Victims of Child Abuse -Improving the Investig. & Prosec. Of Child Abuse (APRI)	20,000	19,962	20,000	38
Improving Juvenile Indigent Defense	2,500	2,495	2,500	5
Community-Based Violence Prevention Initiatives	8,000	7,985	0	-7,985
Missing and Exploited Children's Program (MECP)	72,160	72,023	72,000	-23
Child Abuse Training for Judicial Personnel	2,000	1,995	2,000	5
TOTAL, JUVENILE JUSTICE PROGRAMS	270,160	269,644	229,500	-40,146
TOTAL, PUBLIC SAFETY OFFICERS DISCRETIONARY PROG	18,300	18,269	18,300	31
Public Safety Officers Death, Disability and Education Programs:				
(which equals PSOB mandatory approp)	72,000	72,000	72,000	0
Crime Victims Fund (Obligation Limitation)	3,042,000	3,042,000	3,000,000	-42,000
<i>Cap for Victims of Crime Act Grants</i>	[2,653,000]	[2,653,000]	[2,205,000]	[-448,000]
<i>Inspector General Oversight</i>	[10,000]	[10,000]	[10,000]	0
<i>Tribal Grants</i>	0	0	[150,000]	[150,000]
<i>Vision 21</i>	0	0	[25,000]	[25,000]
<i>Violence Against Women Act Programs</i>	[379,000]	[379,000]	[445,000]	[66,000]
<i>Missing and Exploited Children's Program (MECP)</i>	0	0	[72,000]	[72,000]
<i>Victims of Child Abuse -Improving the Investig. & Prosec. Of Child Abuse (APRI)</i>	0	0	[20,000]	[20,000]
<i>Adam Walsh</i>	0	0	[20,000]	[20,000]
<i>Children Exposed to Violence</i>	0	0	[8,000]	[8,000]
<i>Victims of Trafficking</i>	0	0	[45,000]	[45,000]
Domestic Victims of Trafficking Fund	6,000	6,000	6,000	0
TOTAL, OJP DISCRETIONARY GRANT PROGRAMS	1,810,960	1,835,019	1,287,300	-537,716
<i>OJP Set-Aside for New Flexible Tribal Grant (7%)</i>	0	0	[90,370]	[90,370]
<i>OJP Set-Aside for Research and Eval. (2% in FYs 2013 and 2014; 3% in FY 2015 and 2016)</i>	[32,773]	0	[35,550]	[35,550]
<i>OJP - Management and Administration</i>	[214,617]	[214,209]	[20,209]	[6,000]
TOTAL, OJP MANDATORY GRANT PROGRAMS	3,120,000	3,120,000	3,078,000	-42,000
GRAND TOTAL, OJP	4,930,960	4,955,019	4,375,300	-579,716

**U.S DEPARTMENT OF JUSTICE
FY 2018 PRESIDENT'S BUDGET
STATE, LOCAL AND TRIBAL LAW ENFORCEMENT ASSISTANCE
(Dollars in Thousands)**

	FY 2016 ENACTED	FY 2017 ANNUALIZED CR	FY 2018 PRESIDENT'S BUDGET	FY 2018 PRESIDENT'S BUDGET vs. FY 2017 ANNUALIZED CR
COPS APPROPRIATION				
Supporting Law Enforcement Activity:				
COPS Hiring Program	187,000	188,844	207,000	20,356
Transfer to Tribal Resources Grant Program	[30,000]	[29,940]	[30,000]	[60]
Community Policing Development/Training and Technical Assistance	[10,000]	[9,980]	[10,000]	[20]
Collaborative Reform Model	[10,000]	[9,980]	[10,000]	[20]
DEA Methamphetamine Enforcement and Cleanup	11,000	0	11,000	11,000
Anti-Methamphetamine Task Forces	7,000	6,987	0	-6,987
Anti-Heroin Task Forces	7,000	6,987	0	-6,987
COPS - Management and Administration	[37,374]	[37,303]	[37,303]	0
TOTAL, COPS APPROPRIATION	212,000	200,818	218,000	17,382
Office on Violence Against Women (OVW)				
Violence Against Women Grants:				
Amounts Transferred From the Crime Victims Fund	[378,000]	[379,000]	[446,000]	0
Grants to Combat Violence Against Women (STOP)	215,000	214,591	215,000	409
Research and Eval. Violence Against Women (NIJ)	5,000	0	5,000	5,000
Transitional Housing	30,000	29,943	30,000	57
Consolidated Youth Oriented Program	11,000	10,979	11,000	21
Improving Criminal Justice Responses Program/aka Arrest	51,000	50,903	51,000	97
Homicide Reduction Initiative	[4,000]	[3,992]	[4,000]	[8]
Domestic Violence Firearms Lethality Reduction	[0]	0	[4,000]	[4,000]
Rural Dom. Violence & Child Abuse Enforcement Asst.	34,000	33,935	34,000	65
Legal Assistance Program	45,000	44,914	45,000	86
Grants to Support Families in the Justice System	16,000	15,970	16,000	30
Campus Violence	20,000	19,962	20,000	38
Disabilities Program	6,000	5,989	6,000	11
Elder Program	5,000	4,990	5,000	10
Sexual Assault Services	35,000	34,935	35,000	65
Indian Country - Sexual Assault Clearinghouse	500	499	500	1
National Resource Center on Workplace Responses	500	499	500	1
Research on Violence Against Indian Women (NIJ)	1,000	998	1,000	2
Tribal Special Domestic Violence Criminal Jurisdiction	2,500	2,495	2,500	5
Rape Survivor Child Custody Act Program	2,500	2,495	2,500	5
VAWA Tribal Government Grants Program	[38,850]	[38,850]	[38,850]	0
VAWA Tribal Coalitions Grants	[6,740]	[6,740]	[6,740]	0
OVW Management and Administration	[19,872]	[19,874]	[19,874]	0
TOTAL, OFFICE ON VIOLENCE AGAINST WOMEN	480,000	474,097	480,000	5,903
RESCISSION OF BALANCES:				
OFFICE OF JUSTICE PROGRAMS	-40,000	-40,000	-40,000	0
COPS OFFICE	-10,000	-10,000	-10,000	0
OFFICE ON VIOLENCE AGAINST WOMEN	-15,000	-15,000	-15,000	0
TOTAL OF RESCISSIONS	-65,000	-65,000	-65,000	0
GRAND TOTALS, INCLUDING RESCISSIONS:				
DISCRETIONARY, INCLUDING RESCISSIONS	2,437,960	2,444,731	1,930,300	-514,431
DISCRETION. & MANDAT., INCLUDING RESCISSIONS	6,567,960	6,564,731	6,008,300	-556,431
GRAND TOTAL, EXCLUDING RESCISSIONS:				
DISCRETIONARY, NOT INCLUDING RESCISSIONS	2,502,960	2,509,731	1,995,300	-514,431
DISCRETION. & MANDAT., NOT INCLUDING RESCISSIONS	6,522,960	6,529,731	6,073,300	-556,431

**DEPARTMENT OF JUSTICE
GENERAL LEGAL ACTIVITIES
FY 2018 SUMMARY OF CHANGES BY ORGANIZATION
(Dollars in Thousands)**

	FY 2018 President's Budget				
	Pos.	Atty	Agents	FTE	Amount
2017 Continuing Resolutor	4,148	2,583	0	3,690	891,302
2017 Reimbursable FTE - Base	0	0	0	793	0
2018 Continuing Resolution with Tech Adj & Reimb FTE	4,148	2,583	0	4,483	891,302
Base Adjustments					
Pay & Benefits					
2018 Pay Raise - 1.9%	0	0	0	0	8,010
Annualization of 2017 Pay Raise - 2.88%	0	0	0	0	3,996
Attrition and/or Administrative Savings	-138	-31	0	-87	-28,282
Employees Compensation Fund	0	0	0	0	85
Health Insurance	0	0	0	0	2,105
Position Rightsizing Adjustment	-449	-118	-4	-42	0
Retirement	0	0	0	0	881
Subtotal, Pay & Benefits	-587	-149	-4	-129	-13,206
Domestic Rent & Facilities					
GSA Rent	0	0	0	0	2,666
Guard Service	0	0	0	0	1,336
Moves	0	0	0	0	11,508
Subtotal, Domestic Rent & Facilities	0	0	0	0	15,510
Other Adjustments					
Security Investigations	0	0	0	0	313
Subtotal, Other Adjustments	0	0	0	0	313
Foreign Expenses					
Capital Security Cost Sharing	0	0	0	0	-587
ICASS	0	0	0	0	65
Interpol Dues	0	0	0	0	1,820
State Department Passport Costs	0	0	0	0	8
Subtotal, Foreign Expenses	0	0	0	0	1,406
Subtotal, Base Adjustments	-587	-149	-4	-129	4,024
Subtotal, Technical and Base Adjustments	-587	-149	-4	-129	4,024
2018 Current Services w/o Reimbursable FTE	3,561	2,434	-4	3,561	895,326
2018 Current Services with Reimbursable FTE	3,561	2,434	-4	4,354	895,326
Program Changes					
General Legal Activities					
Civil Division					
Office of Immigration Litigation (Attorneys and Support Staff)	20	15	0	10	1,876
Total, Civil Division	20	15	0	10	1,876
Environment & Natural Resources Divisor					
Land Acquisition Section (20 Attorneys and Support Staff)	20	12	0	10	1,798
Total, Environment & Natural Resources Divisor	20	12	0	10	1,798
Total, General Legal Activities	40	27	0	20	3,674
Total Program Changes, DISCRETIONARY BUDGET AUTHORITY	40	27	0	20	3,674
2018 Total DISCRETIONARY BUDGET AUTHORITY	3,601	2,461	-4	3,581	899,000
2018 Reimbursable FTE	0	0	0	793	0
2018 DISCRETIONARY BUDGET AUTHORITY with Reimbursable FTE	3,601	2,461	-4	4,374	899,000
Change 2018 from 2017 Continuing Resolutor	-547	-122	-4	-109	7,698
Percent Change 2018 from 2017 Continuing Resolutor					0.86%



General Administration (GA)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$111.3 million (572 positions; 147 attorneys)
Current Services Adjustments:	+\$2.7 million
Program Changes:	+\$0
FY 2018 Budget Request:	\$114.0 million (441 positions; 147 attorneys)
Change From FY 2017 Continuing Resolution:	+\$2.7 million (+2.4%) (-131 positions)

Mission:

The primary mission of the GA Appropriation is to support the Attorney General and DOJ senior policy level officials in managing Department resources and developing policies for legal, law enforcement, and criminal justice activities. GA also provides administrative support services to the legal divisions and policy guidance to all Department organizations. GA's mission supports every aspect of the DOJ strategic plan. Most GA offices have significant oversight responsibilities that shape DOJ policy and influence the way the Department works toward meeting each of its strategic goals.

Resources:

The FY 2018 budget request for GA totals \$114.0 million, which is a 2.4% increase over the FY 2017 Continuing Resolution.

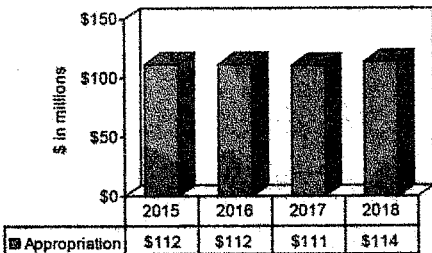
Organization:

The GA Appropriation includes the following: Attorney General, Deputy Attorney General, Associate Attorney General, Privacy and Civil Liberties, Rule of Law, Office for Access to Justice, Public Affairs, Legislative Affairs, Tribal Justice, Information Policy, Legal Policy, Professional Responsibility, the Professional Responsibility Advisory Office, and the Justice Management Division (JMD). JMD provides advice to senior DOJ officials and develops departmental policies in the areas of management and administration; ensures compliance by DOJ components with departmental and other federal policies and regulations; and provides a full range of management and administration support services, including financial management operations and procurement services.

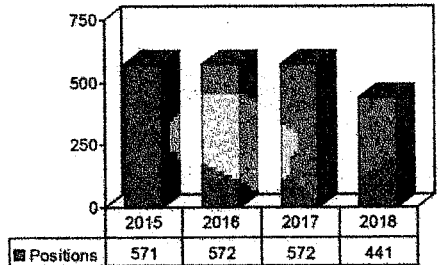
Personnel:

The GA's direct positions for FY 2018 total 441 positions. GA's FY 2018 request includes a decrease of -131 positions from the FY 2017 Continuing Resolution of 572 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

The Department's leadership develops policies regarding the administration of justice in the United States, and directs and oversees the administration and operation of the Department's bureaus, offices, and divisions, to ensure DOJ's success in meeting its strategic goals. The Department's responsibilities and priorities continue to evolve in response to current challenges. Whenever new initiatives are undertaken by the Department, the Department's GA-funded leadership and other supporting offices must develop appropriate policies and oversee their implementation.

The Department continues to work with the President to identify savings and efficiencies needed to keep the Nation on a responsible fiscal path. The Department continues to evaluate and assess the proper role and size of the GA, and the Department as a whole, working to consolidate and eliminate duplicative, ineffective or less critical programs.

FY 2018 Program Changes:

The budget proposal includes funds for current services for GA. No program changes are requested.

General Administration
(Dollars in Thousands)

	General Administration		
	Pos	FTE	Amount
2016 Appropriation			111,500
2017 Continuing Resolution	572	485	111,500
2017 Rescission - 0.1901%	0	0	-212
2017 Continuing Resolution	572	485	111,288
2018 Request	441	358	114,000
Change 2018 from 2017 Continuing Resolution	-131	-127	2,712
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-131	-127	2,311
Domestic Rent & Facilities	0	0	401
Total Base Adjustments	-131	-127	2,712
2018 Current Services	441	358	114,000
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	441	358	114,000

General Administration
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Department Leadership	72	55	17,854	56	39	17,670
Intergovernmental Relations & External Affairs	53	45	9,393	46	38	10,260
Executive Support and Professional Responsibility	65	57	13,260	58	50	13,680
Justice Management Division	382	328	70,781	281	231	72,390
General Administration - No-Year	0	0	0	0	0	0
Total	572	485	111,288	441	358	114,000
Reimbursable FTE	0	68	0	0	68	0
Grand Total	572	553	111,288	441	426	114,000

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Department Leadership	0	0	0	56	39	17,670
Intergovernmental Relations & External Affairs	0	0	0	46	38	10,260
Executive Support and Professional Responsibility	0	0	0	58	50	13,680
Justice Management Division	0	0	0	281	231	72,390
General Administration - No-Year	0	0	0	0	0	0
Total	0	0	0	441	358	114,000
Reimbursable FTE	0	0	0	0	68	0
Grand Total	0	0	0	441	426	114,000



Justice Information Sharing Technology (JIST)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$30.9 million (45 positions)
Current Services Adjustments:	+\$0
Program Changes:	+\$0
FY 2018 Budget Request:	\$30.9 million (34 positions)
Change From FY 2017 Continuing Resolution:	+\$0 (-11 positions)

Mission:

The JIST appropriation provides information technology (IT) resources so that the Department's Chief Information Officer (CIO) may effectively coordinate enterprise-wide IT investments and ensure that infrastructure enhancements are well planned and aligned with the Department's overall IT strategy and enterprise architecture. JIST funds the following programs in FY 2018: cybersecurity infrastructure and applications, Identity, Credential, and Access Management (ICAM), and enterprise IT architecture. JIST also funds the Office of the CIO's responsibilities under the Clinger-Cohen Act of 1996.

Resources:

The FY 2018 budget request for JIST totals \$30.9 million, which is the same as 2017 Continuing Resolution.

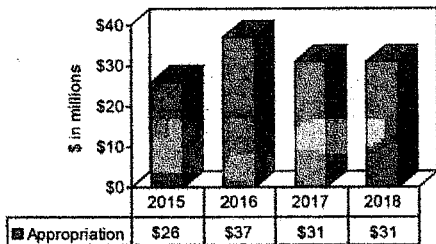
Organization:

The CIO manages the programs funded under the JIST appropriation. The CIO is part of the Justice Management Division and reports to the Assistant Attorney General for Administration. The CIO supports the Department's Investment Review Board that oversees Department IT investments and conducts periodic reviews of the Department's high profile, high cost, or high risk IT investments. The CIO also addresses gaps in IT policy across DOJ and ensures that component IT investments comply with the Department's enterprise architecture and its enterprise approach to IT service delivery.

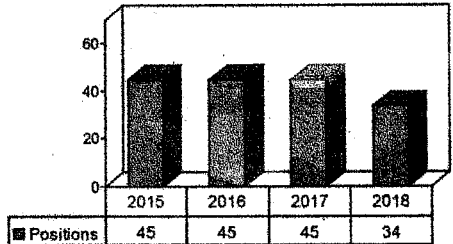
Personnel:

The JIST's direct positions for FY 2018 total 34 positions. JIST's FY 2018 request includes a decrease of -11 positions from the FY 2017 Continuing Resolution of 45 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

The JIST appropriation supports the IT infrastructure and security environments necessary to conduct legal, investigative, and administrative functions. JIST funding provides investments in enterprise IT infrastructure, cybersecurity, identity credential, and access management, information sharing technology, and system development projects across the Department.

During FY 2018, the CIO will focus on advancing initiatives to transform IT enterprise infrastructure and cybersecurity, IT Transformation and Cybersecurity Program. This program consists of the following projects:

1. Cybersecurity: The primary focus of this project is the prevention and detection of insider threats and advanced cyber threats. The Department will continue to develop and implement enterprise trusted infrastructure and architecture to provide secure and resilient systems and networks that ensure the confidentiality, integrity, and availability of data.

2. Email Consolidation: Department email consolidation is a multi-year effort that began with the consolidation of small email systems and the planning activities for a Department-wide email system. The Department reduced small, non-classified email systems from 22 systems down to nine. DOJ plans to consolidate additional components into an enterprise email solution and explore options to migrate agency email systems to a cloud service provider in order to gain efficiencies.

3. Data Center Consolidation: The goals of this project are to optimize and standardize IT infrastructure to improve operational efficiencies, reduce the real property footprint of DOJ's data center facilities, optimize the use of IT staff, and enhance DOJ's IT security posture. These goals will be achieved by reducing the number of DOJ data centers to three core data centers. DOJ has identified two Federal Bureau of Investigation owned data centers and one Drug Enforcement Administration leased data center as facilities that will serve as DOJ Core Enterprise Facilities. The Department has closed 72 data centers since 2010, with nine closures planned in FY 2017 and another nine planned in FY 2018.

4. Mobility and Remote Access: The long-term goal for mobile services is to enable employees to work outside of the office. The Department will expand mobile phone services into a comprehensive mobile solution that will include mobile laptops, tablets, and other devices. Other key enhancement areas include expanding the DOJ Application Catalog to include mobile apps as well as support for synchronization of DOJ documents to mobile devices.

The FY 2018 JIST Budget continues to include language to provide the Department's CIO with additional transfer authority for reinvestment in DOJ enterprise-wide IT initiatives. This reinvestment funding will provide for smart IT investments, and will allow the Department's CIO to pool purchasing power across the entire organization to drive down costs and improve service for Department-wide initiatives.

FY 2018 Program Changes:

The budget proposal includes funds for current services for JIST. No program changes are requested.

Justice Information Sharing Technology
(Dollars in Thousands)

	Justice Information Sharing Technology		
	Pos	FTE	Amount
2016 Appropriation	45	33	31,000
2017 Continuing Resolution	45	45	31,000
2017 Rescission - 0.1901%	0	0	-59
2017 Continuing Resolution	45	45	30,941
2018 Request	34	34	30,941
Change 2018 from 2017 Continuing Resolution	-11	-11	0
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-11	-11	-265
Domestic Rent & Facilities	0	0	265
Total Base Adjustments	-11	-11	0
2018 Current Services	34	34	30,941
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	34	34	30,941

Justice Information Sharing Technology
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Justice Information Sharing Technology	45	45	30,941	34	34	30,941
Total	45	45	30,941	34	34	30,941
Reimbursable FTE	0	0	0	0	0	0
Grand Total	45	45	30,941	34	34	30,941

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Justice Information Sharing Technology	0	0	0	34	34	30,941
Total	0	0	0	34	34	30,941
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	34	34	30,941



Administrative Review and Appeals Executive Office for Immigration Review (EOIR)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$421.5 million (2,138 positions; 681 attorneys)
Current Services Adjustments:	+\$4.0 million
Program Changes:	+\$75.0 million
FY 2018 Budget Request:	\$500.4 million (2,588 positions; 831 attorneys)
Change From FY 2017 Continuing Resolution:	+\$78.9 million (+18.7%) (+450 positions; +150 attorneys)

Mission:

The primary mission of the Executive Office for Immigration Review (EOIR) is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings.

Organization:

EOIR administers the nation's immigration court system. EOIR primarily decides whether foreign-born individuals who are charged with violating immigration law should be ordered removed from the United States or should be granted relief or protection and be permitted to remain in this country. EOIR's Office of the Chief Immigration Judge conducts administrative court proceedings in 58 immigration courts nationwide. EOIR's appellate component, the Board of Immigration Appeals (BIA), is the highest administrative tribunal for interpreting and applying U.S. immigration law and primarily decides appeals of immigration judge decisions. EOIR's third adjudicative component, the Office of the Chief Administrative Hearing Officer, hears cases that relate to employer sanctions for illegal hiring of unauthorized workers, document fraud, and unfair immigration-related employment practices. EOIR also has other administrative, technical, and advisory offices.

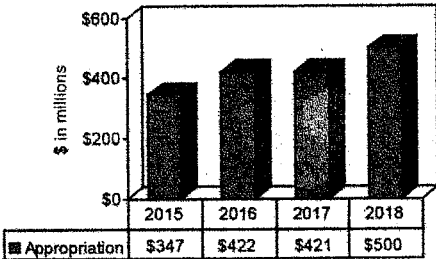
Resources:

The FY 2018 budget request for EOIR totals \$500.4 million, which is a 18.7% increase over the FY 2017 Continuing Resolution.

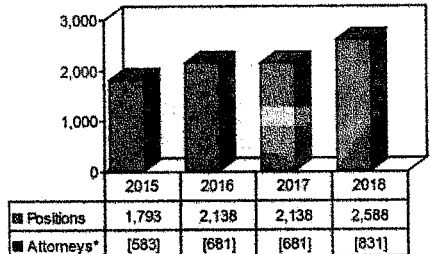
Personnel:

The EOIR's direct positions for FY 2018 total 2,588 positions. EOIR's FY 2018 request includes an increase of 450 positions over the FY 2017 Continuing Resolution of 2,138 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

EOIR's immigration courts represent the Department's front-line presence in applying immigration law. EOIR does not initiate any immigration cases. Rather, EOIR's cases start when the Department of Homeland Security (DHS) files with the immigration courts documents charging respondents with removability from the United States for violating immigration laws.

The largest challenge facing the immigration courts is the growing pending caseload. At the end of FY 2016, there were over half a million cases pending in immigration courts around the country. EOIR's FY 2018 strategy is a sustained focus on providing the capacity to meet its mission to adjudicate immigration cases by administering the Nation's immigration laws.

EOIR's strategy is three-fold. First, EOIR will continue to examine and update, as necessary, its adjudicative priorities in order to best use its resources. On January 31, 2017, EOIR released a memorandum outlining the agency's new priorities, which reflect the present state of the immigration system. The agency will continue to prioritize the cases of children in the Government's long-term care and of those respondents released under the Ninth Circuit's decision in *Rodriguez v. Robbins*. Despite changes to the agency's case processing priorities, EOIR has consistently maintained that detained cases are priority cases. EOIR is scheduling these cases on the shortest timelines possible consistent with due process.

Second, EOIR will continue discussions with DHS to gauge the impact of enforcement activities upon the immigration courts and to adjust dockets and resource allocations accordingly. EOIR has begun implementing in-person immigration judge details to several DHS immigration detention facilities at or near the border.

Finally, given the size of the current pending caseload, EOIR will recruit to fill existing immigration judge and other positions that provide support to the immigration courts in order to achieve more timely adjudication of cases and systemically reduce the backlog of pending cases.

FY 2018 Program Changes:

Immigration Judge Teams (75 Additional Teams): \$75.0 million and 450 positions (150 attorneys)

This funding will enable EOIR to add 75 new immigration judge (IJ) teams to help adjudicate the pending caseload. A team consists of one IJ and five full-time positions to support the adjudicatory mission of EOIR. The support positions include one attorney (designated as .5 FTE for a Board of Immigration Appeals attorney and .5 FTE for either a Judicial Law Clerk or other mission support attorney), one legal assistant, and three other positions made up of a combination of the following on an as-needed basis: additional legal assistant, interpreter, and/or other mission-support staff. Additionally, EOIR has now completely filled all usable courtroom and office space for immigration judges and support staff with currently-authorized staff. In order to provide courtrooms and office space for the new adjudicators and support staff in the teams, this request includes the cost of construction of new space for these additional positions.

Executive Office for Immigration Review
(Dollars in Thousands)

	Executive Office for Immigration Review		
	Pos	FTE	Amount
2016 Appropriation	2,138	1,392	422,295
2017 Continuing Resolution	2,138	1,667	422,295
2017 Rescission - 0.1901%	0	0	-803
2017 Continuing Resolution	2,138	1,667	421,492
2018 Request	2,588	1,892	500,407
Change 2018 from 2017 Continuing Resolution	450	225	78,915
Technical Adjustments			
DHS Immigration Examination Fees - EOIR	0	0	-3,992
Total Technical Adjustments	0	0	-3,992
Base Adjustments			
ATB Transfers	0	0	4,000
Pay & Benefits	0	0	6,242
Domestic Rent & Facilities	0	0	-2,285
Total Base Adjustments	0	0	7,957
2018 Current Services	2,138	1,667	425,457
Program Changes			
Increases:			
Immigration Judge Teams (75 Additional Teams)	450	225	74,950
Subtotal, Program Increases	450	225	74,950
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	450	225	74,950
2018 Request	2,588	1,892	500,407

**Executive Office for Immigration Review
(Dollars in Thousands)**

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	2,138	1,667	422,295	2,138	1,667	425,457
Total	2,138	1,667	422,295	2,138	1,667	425,457
Reimbursable FTE	0	0	0	0	0	0
Grand Total	2,138	1,667	422,295	2,138	1,667	425,457

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	450	225	74,950	2,588	1,892	500,407
Total	450	225	74,950	2,588	1,892	500,407
Reimbursable FTE	0	0	0	0	0	0
Grand Total	450	225	74,950	2,588	1,892	500,407



Administrative Review and Appeals Office of Pardon Attorney (OPA)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$4.5 million (22 positions; 11 attorneys)
Current Services Adjustments:	+ \$473,000
Program Changes:	+ \$0
FY 2018 Budget Request:	\$5.0 million (19 positions; 11 attorneys)
Change From FY 2017 Continuing Resolution:	+ \$473,000 (+10.5%) (-3 positions)

Mission:

The Office of the Pardon Attorney, in consultation with the Attorney General or his designee, assists the President in the exercise of his executive clemency power as authorized under Article II, Section 2, of the Constitution. Under the Constitution, the President's clemency power extends only to federal criminal offenses. All requests for executive clemency for federal offenses are directed to the Pardon Attorney for investigation and review. The Pardon Attorney prepares the Department's recommendation to the President for final disposition of each petition. Executive clemency may take several forms including pardon, commutation of sentence, remission of fine or restitution, and reprieve.

Organization:

OPA is headed by the Pardon Attorney, who is competitively selected and appointed by the Attorney General. The Office is located in Washington, DC.

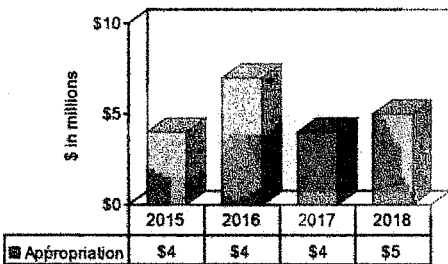
Resources:

The FY 2018 budget request for OPA totals \$5.0 million, which is a 10.5% increase over the FY 2017 Continuing Resolution.

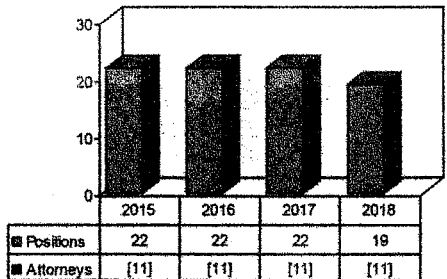
Personnel:

The OPA's direct positions for FY 2018 total 19 positions. OPA's FY 2018 request includes a decrease of -3 positions from the FY 2017 Continuing Resolution of 22 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

In FY 2018, OPA will assist the President in the exercise of his executive clemency power. OPA will respond to inquiries concerning clemency petitions and the clemency process from petitioners, their families and legal representatives, members of Congress and the public, and various federal, state, and local officials and agencies. OPA will prepare all necessary documents to effect the President's decision to grant or deny clemency and notify each clemency applicant of the President's decision concerning his/her clemency request. OPA will also continue to provide general advice to the White House concerning executive clemency procedures and the historical background of clemency matters.

FY 2018 Program Changes:

The budget proposal includes funds for current services for OPA. No program changes are requested.

Office of Pardon Attorney
(Dollars in Thousands)

	Office of Pardon Attorney		
	Pos	FTE	Amount
2016 Appropriation	22	20	4,496
2017 Continuing Resolution	22	21	4,496
2017 Rescission - 0.1901%	0	0	-9
2017 Continuing Resolution	22	21	4,487
2018 Request	19	19	4,960
Change 2018 from 2017 Continuing Resolution	-3	-2	473
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-3	-2	256
Domestic Rent & Facilities	0	0	217
Total Base Adjustments	-3	-2	473
2018 Current Services	19	19	4,960
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	19	19	4,960

**Office of Pardon Attorney
(Dollars in Thousands)**

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Office of the Pardon Attorney	22	21	4,487	19	19	4,960
Total	22	21	4,487	19	19	4,960
Reimbursable FTE	0	0	0	0	0	0
Grand Total	22	21	4,487	19	19	4,960

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Office of the Pardon Attorney	0	0	0	19	19	4,960
Total	0	0	0	19	19	4,960
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	19	19	4,960



Office of the Inspector General (OIG)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$93.5 million (474 positions; 30 attorneys; 139 agents)
Current Services Adjustments:	+\$1.8 million
Program Changes:	+\$0
FY 2018 Budget Request:	\$95.3 million (470 positions; 30 attorneys; 139 agents)
Change From FY 2017 Continuing Resolution:	+\$1.8 million (+1.9%) (-4 positions)

Mission:

The mission of the OIG is to investigate allegations of fraud, waste, abuse, and misconduct by Department employees, contractors, and grantees, and to promote economy and efficiency in Department operations. The OIG is an independent entity within the Department that reports to both the Attorney General and Congress on issues that affect the Department's personnel or operations.

Organization:

The mission of the OIG is to investigate allegations of fraud, waste, abuse, and misconduct by Department employees, contractors, and grantees, and to promote economy and efficiency in Department operations. The OIG is an independent entity within the Department that reports to both the Attorney General and Congress on issues that affect the Department's personnel or operations.

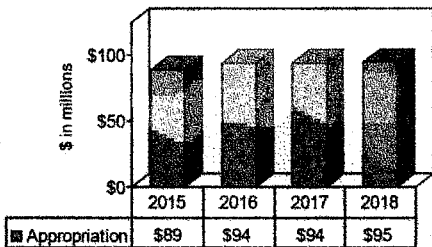
Resources:

The FY 2018 budget request for OIG totals \$95.3 million, which is a 1.9% increase over the FY 2017 Continuing Resolution.

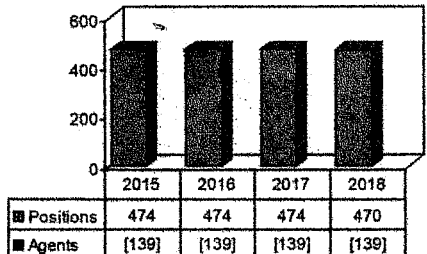
Personnel:

The OIG's direct positions for FY 2018 total 470 positions. OIG's FY 2018 request includes a decrease of -4 positions from the FY 2017 Continuing Resolution of 474 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

The OIG is committed to assuring the Attorney General, Congress and taxpayers that the substantial funding provided to support the Department and its infrastructure investments are used efficiently, effectively, and for their intended purposes.

The OIG has jurisdiction over all complaints of misconduct against Department employees.

In FY 2018, the OIG will continue to investigate alleged violations of criminal and civil law, regulations, and ethical standards arising from the conduct of Department employees in their numerous and diverse activities. The OIG will also audit and inspect Department programs and assist management in promoting integrity, economy, efficiency, and efficacy, and perform whistleblower reviews.

FY 2018 Program Changes:

The budget proposal includes funds for current services for OIG. No program changes are requested.

Office of the Inspector General
(Dollars in Thousands)

	Office of the Inspector General		
	Pos	FTE	Amount
2016 Appropriation	474	438	93,709
2017 Continuing Resolution	474	434	93,709
2017 Rescission - 0.1901%	0	0	-178
2017 Continuing Resolution	474	434	93,531
2018 Request	470	430	95,328
Change 2018 from 2017 Continuing Resolution	-4	-4	1,797
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-4	-4	1,471
Domestic Rent & Facilities	0	0	276
Other Adjustments	0	0	50
Total Base Adjustments	-4	-4	1,797
2018 Current Services	470	430	95,328
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	470	430	95,328

Office of the Inspector General
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
OIG Audits, Inspections, Investigations, and Reviews	474	434	93,531	470	430	95,328
Total	474	434	93,531	470	430	95,328
Reimbursable FTE	0	21	0	0	21	0
Grand Total	474	455	93,531	470	451	95,328

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
OIG Audits, Inspections, Investigations, and Reviews	0	0	0	470	430	95,328
Total	0	0	0	470	430	95,328
Reimbursable FTE	0	0	0	0	21	0
Grand Total	0	0	0	470	451	95,328



U.S. Parole Commission (USPC)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$13.3 million (85 positions; 7 attorneys)
Current Services Adjustments:	+\$0
Program Changes:	+\$0
FY 2018 Budget Request:	\$13.3 million (53 positions; 7 attorneys)
Change From FY 2017 Continuing Resolution:	+\$0 (-32 positions)

Mission:

The mission of the USPC is to promote public safety and strive for justice and fairness in the exercise of its authority to release, revoke, and supervise offenders under its jurisdiction. USPC has jurisdiction over federal offenders who committed offenses before November 1, 1987; all District of Columbia offenders; Uniform Code of Military Justice offenders who are in the custody of the Bureau of Prisons; Transfer Treaty cases (United States citizens convicted in foreign countries, who have elected to serve their sentence in this country); and state probationers and parolees in the Federal Witness Protection Program. USPC renders decisions on National Appeals Board cases and decides action on supervision, parole, or return to custody cases under its jurisdiction. Unless reauthorized, USPC authorities will sunset on November 1, 2018.

Organization:

USPC is managed by the USPC Chairman who, along with four other commissioners, is appointed by the President with the advice of the Senate. All USPC offices and staff are located in the District of Columbia. The staff carries out the USPC's operations and support functions.

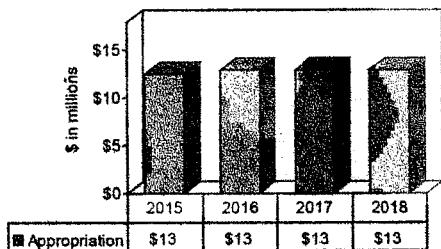
Resources:

The FY 2018 budget request for USPC totals \$13.3 million, which is the same as 2017 Continuing Resolution.

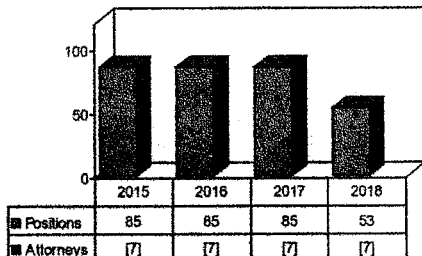
Personnel:

The USPC's direct positions for FY 2018 total 53 positions. USPC's FY 2018 request includes a decrease of -32 positions from the FY 2017 Continuing Resolution of 85 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - FY 2018)



FY 2018 Strategy:

The FY 2018 strategy maintains the USPC's focus on returning low-risk non-violent offenders to parole or supervised release rather than prison when possible. However, USPC will continue to issue warrants for those that willfully violate the conditions of their release and for those with the most egregious behavior (typically tied to violence, child abuse, sex offenses, etc.). This approach keeps communities safe while returning low-risk offenders back to the community in a timely and cost efficient manner.

The USPC will continue supporting initiatives dealing with alternatives to re-incarceration for low-risk offenders. These alternatives include increasing the number of offenders referred to the Secured Residential Treatment Program and the Residential Substance Abuse Treatment Program in D.C. Other alternatives include expanding the Reprimand Sanction Hearings Program to increase the number of offenders referred to the USPC for violating the administrative conditions of their release. Frequent and early intervention by the USPC through the Reprimand Sanction Hearing process has improved offender compliance in the community and reduced the need for re-incarceration. Furthermore, the expansion of the mental health dockets will increase the treatment engagement of mentally ill offenders to reduce their risk in the community, and reduce the cost of re-incarceration.

The USPC also plans to extend its Short-Term Intervention for Success pilot program, which is designed to provide for shorter periods of imprisonment for technical violations, such as lying to a parole officer, in exchange for potentially longer periods of incarceration for more serious infractions. The pilot has been successful in lowering the recidivism rates for those participating.

The USPC FY 2018 strategy also includes improvements to the records and file management systems and processes, which are critical to the mission of the USPC. This will allow USPC to modernize its records management and meet DOJ systems security requirements.

FY 2018 Program Changes:

The budget proposal includes funds for current services for USPC. No program changes are requested.

U.S. Parole Commission
(Dollars in Thousands)

	U.S. Parole Commission		
	Pos	FTE	Amount
2016 Appropriation	85	68	13,308
2017 Continuing Resolution	85	68	13,308
2017 Rescission - 0.1901%	0	0	-25
2017 Continuing Resolution	85	68	13,283
2018 Request	53	53	13,283
Change 2018 from 2017 Continuing Resolution	-32	-15	0
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-32	-15	-55
Domestic Rent & Facilities	0	0	50
Other Adjustments	0	0	5
Total Base Adjustments	-32	-15	0
2018 Current Services	53	53	13,283
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	53	53	13,283

U.S. Parole Commission
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
United States Parole Commission	85	68	13,283	53	53	13,283
Total	85	68	13,283	53	53	13,283
Grand Total	85	68	13,283	53	53	13,283

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
United States Parole Commission	0	0	0	53	53	13,283
Total	0	0	0	53	53	13,283
Grand Total	0	0	0	53	53	13,283



National Security Division (NSD)

FY 2018 Budget Request At A Glance

FY 2017 Continuing Resolution:	\$94.8 million (393 positions; 254 attorneys)
Current Services Adjustments:	+\$6.2 million
Program Changes:	+\$0
FY 2018 Budget Request:	\$101.0 million (362 positions; 243 attorneys)
Change From FY 2017 Continuing Resolution:	+\$6.2 million (+6.6%) (-31 positions; -11 attorneys)

Mission:

The National Security Division is responsible for combating terrorism and other threats to national security. NSD consolidates the Department's primary national security elements outside of the Federal Bureau of Investigation. This organizational structure strengthens the effectiveness of the Department's national security efforts by ensuring greater coordination and unity of purpose between prosecutors, law enforcement agencies, intelligence attorneys, and the Intelligence Community.

Organization:

NSD is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. The AAG oversees a Division that is organized into the Office of Intelligence (Operations, Oversight and Litigation Sections); Counterterrorism and Counterintelligence; Export Control Sections; Law and Policy Office; Foreign Investment Review Staff; Office of Justice for Victims of Overseas Terrorism; and an Executive Office.

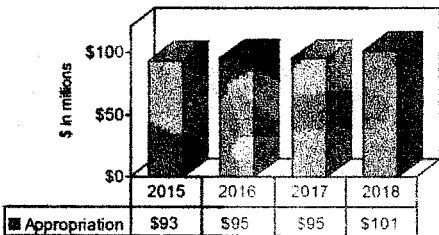
Resources:

The FY 2018 budget request for NSD totals \$101.0 million, which is a 6.6% increase over the FY 2017 Continuing Resolution.

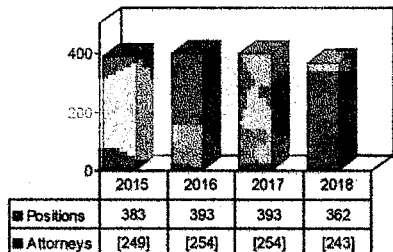
Personnel:

The NSD's direct positions for FY 2018 total 362 positions. In keeping with the Attorney General's Workforce Rightsizing Initiative, NSD's FY 2018 request includes a decrease of -31 positions from the FY 2017 Continuing Resolution level of 393 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

In FY 2018, the NSD will continue to fulfill its responsibilities in the areas of Intelligence Operations, Oversight, and Litigation; Counterterrorism; Counterintelligence and Export Control; Cybersecurity; Foreign Investment Review; Law and Policy Advice; and Victims of Terrorism Outreach.

NSD has outlined four areas of focus that will guide its operations in the coming years. They are:

Continuing to bring an all-tools, integrated approach to NSD's work, while also adapting to address the changing face of terrorism;

Combating cyber threats to the national security and protecting national security assets;

Enhancing NSD's intelligence programs and expanding its intelligence oversight function; and

Reinvigorating NSD's development into a mature Division, capable of keeping pace with its national security partners and outpacing the threats the nation faces.

All of NSD's FY 2018 budget request map to these goals and priorities and will ensure that NSD remains best positioned to fulfill the Department's obligations in the face of increasing challenges and a growing and evolving threat.

FY 2018 Program Changes:

The budget proposal includes funds to continue support for the investigation and prosecution of high priority national security cases.

National Security Division
(Dollars in Thousands)

	National Security Division		
	Pos	FTE	Amount
2016 Appropriation	393	353	95,000
2017 Continuing Resolution	393	359	95,000
2017 Rescission - 0.1901%	0	0	-181
2017 Continuing Resolution	393	359	94,819
2018 Request	362	362	101,031
Change 2018 from 2017 Continuing Resolution	-31	3	6,212
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-31	3	1,022
Domestic Rent & Facilities	0	0	5,189
Foreign Expenses	0	0	1
Total Base Adjustments	-31	3	6,212
2018 Current Services	362	362	101,031
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	362	362	101,031

National Security Division
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
National Security	393	359	94,819	362	362	101,031
Total	393	359	94,819	362	362	101,031
Grand Total	393	359	94,819	362	362	101,031

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
National Security	0	0	0	362	362	101,031
Total	0	0	0	362	362	101,031
Grand Total	0	0	0	362	362	101,031



GENERAL LEGAL ACTIVITIES Office of the Solicitor General (OSG)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$11.9 million (55 positions; 23 attorneys)
Current Services Adjustments:	+\$54,000
Program Changes:	+\$0
FY 2018 Budget Request:	\$11.9 million (48 positions; 23 attorneys)
Change From FY 2017 Continuing Resolution:	+\$54,000 (+0.5%) (-7 positions)

Mission:

The mission of the OSG is to conduct all litigation on behalf of the United States and its agencies in the Supreme Court of the United States, to approve decisions to appeal and seek further review in cases involving the United States in the lower federal courts, and to supervise the handling of litigation in the federal appellate courts.

Organization:

OSG is headed by the Solicitor General, who is appointed by the President and confirmed by the Senate. Within the attorney staff, 16 career staff attorneys work with three career Deputy Solicitors General, the Principal Deputy Solicitor General, and the Solicitor General to prepare oral arguments, Supreme Court briefs, and other related legal materials. The 25 support positions are organized into three sections that include Administration, Case Management and Research and Publications.

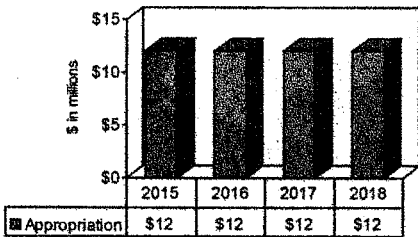
Resources:

The FY 2018 budget request for OSG totals \$11.9 million, which is a 0.5% increase over the FY 2017 Continuing Resolution.

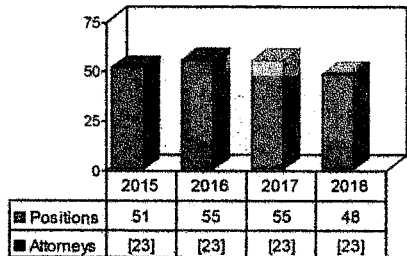
Personnel:

The OSG's direct positions for FY 2018 total 48 positions. OSG's FY 2018 request includes a decrease of 7 positions from the FY 2017 Continuing Resolution level of 55 direct positions.

Funding (FY 2016 - 2018)



Personnel (FY 2016 - 2018)



FY 2018 Strategy:

The OSG is required to handle all appropriate Supreme Court cases and requests for appeal, amicus, or intervention authorization. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States is obligated to respond in some way, either by filing a brief or (after review of the case) waiving the right to do so. Additionally, the Supreme Court formally requests the Solicitor General to express the views of the United States on whether the Court should grant certiorari in cases in which the United States is not a party. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of certiorari filed by an adverse party, or participates as an intervener or as amicus curiae is governed exclusively by the Solicitor General's determination that it is in the best interest of the United States to take such action. Such activity may vary widely from year to year.

FY 2018 Program Changes:

The budget proposal includes funds for current services for OSG. No program changes are requested.

Office of the Solicitor General
(Dollars in Thousands)

	Office of the Solicitor General		
	Pos	FTE	Amount
2016 Appropriation	55	45	11,885
2017 Continuing Resolution	55	56	11,885
2017 Rescission - 0.1901%	0	0	-23
2017 Continuing Resolution	55	56	11,862
2018 Request	48	48	11,916
Change 2018 from 2017 Continuing Resolution	-7	-8	54
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-7	-8	18
Domestic Rent & Facilities	0	0	33
Other Adjustments	0	0	3
Total Base Adjustments	-7	-8	54
2018 Current Services	48	48	11,916
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	48	48	11,916

**Office of the Solicitor General
(Dollars in Thousands)**

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Federal Appellate Activity	55	56	11,862	48	48	11,916
Total	55	56	11,862	48	48	11,916
Reimbursable FTE	0	0	0	0	0	0
Grand Total	55	56	11,862	48	48	11,916

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Federal Appellate Activity	0	0	0	48	48	11,916
Total	0	0	0	48	48	11,916
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	48	48	11,916



GENERAL LEGAL ACTIVITIES Tax Division (TAX)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$106.8 million (639 positions; 377 attorneys)
Current Services Adjustments:	+\$82,000
Program Changes:	+\$0
FY 2018 Budget Request:	\$106.9 million (499 positions; 377 attorneys)
Change From FY 2017 Continuing Resolution:	+\$82,000 (+0.1%) (-140 positions)

Mission:

The mission of the Tax Division (TAX) is to enforce the nation's tax laws fully, fairly, and consistently, through both criminal and civil litigation, in order to promote voluntary compliance with the tax laws, maintain public confidence in the integrity of the tax system, and promote the sound development of the tax laws.

Organization:

TAX is headed by an Assistant Attorney General, who is appointed by the President and confirmed by the Senate, and assisted by four Deputy Assistant Attorneys General. All offices are located in Washington, DC, except the Southwestern Civil Trial Section, which is located in Dallas, Texas.

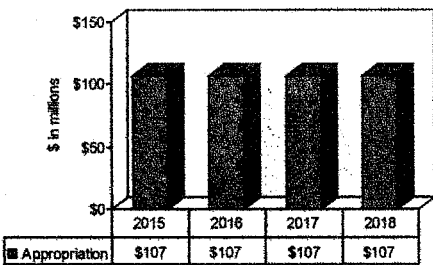
Resources:

The FY 2018 budget request for TAX totals \$106.9 million, which is a 0.1% increase over the FY 2017 Continuing Resolution.

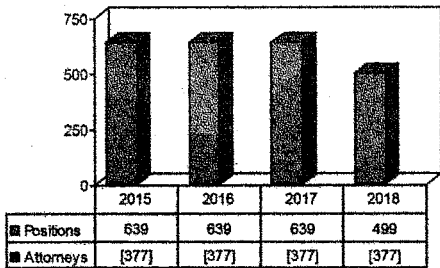
Personnel:

TAX's direct positions for FY 2018 total 499 positions. TAX's FY 2018 request includes a decrease of -140 positions from the FY 2017 Continuing Resolution of 639 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

TAX will continue to play a significant role in the Government's efforts to enforce the tax laws and combat abuse of the Nation's internal revenue laws. TAX's litigation furthers the longstanding bipartisan goal of reducing the tax gap. TAX also represents a significant return on investment by collecting sums and saving refunds in amounts that consistently exceed TAX's annual appropriation. In addition, TAX's strategy of publicizing its litigation accomplishments helps deter would-be tax offenders.

TAX's criminal enforcement strategy is to ensure prosecution of the criminal tax laws to punish offenders, deter future violations, and reassure honest taxpayers that they will not bear an undue share of the federal tax burden. In FY 2018, TAX will continue its efforts in several high-priority criminal enforcement areas, including:

Employment Taxes: This encompasses the billions of dollars withheld from employees' wages but not paid to the Government with a focus on the businesses and individuals responsible for the failure.

Stolen Identity Refund Fraud: Cases in which criminals file for tax refunds using stolen identities. This crime costs the Government billions of dollars and affects tens of thousands of citizens.

Offshore Tax Evasion: This remains one of TAX's top litigation priorities. Non-compliance with U.S. tax laws through the use of secret offshore bank accounts, technically sophisticated financial instruments, and use of the Internet to quickly transfer money around the world remains a major source of noncompliance.

Tax Defiers: Those who reject the legal foundation of the tax system and who take specific and concrete action to violate the law.

Financial Fraud: Cases in which tax charges are used to prosecute complex fraud. Prosecution of mortgage, securities, and other types of financial fraud is often strengthened by the addition of tax charges.

TAX's primary civil strategy is twofold: file tax enforcement and collection cases in the federal courts and defend actions filed by taxpayers. By targeting acute tax enforcement problems, TAX ensures that the tax laws are properly enforced. TAX also brings suits to stop tax scam promoters and unscrupulous tax return preparers, collect unpaid taxes, and allow the Internal Revenue Service to obtain information needed for tax enforcement. TAX also defends the Federal Treasury against tax refund claims. Some claims are meritless and are defended aggressively. In merit-based claims, TAX evaluates, and adjusts where appropriate, the IRS's position to ensure taxpayers are treated fairly and uniformly.

FY 2018 Program Changes:

The budget proposal includes funds for current services for TAX. No program changes are requested.

Tax Division
(Dollars in Thousands)

	Tax Division		
	Pos	FTE	Amount
2016 Appropriation	639	485	106,979
2017 Continuing Resolution	639	534	106,979
2017 Rescission - 0.1901%	0	0	-203
2017 Continuing Resolution	639	534	106,776
2018 Request	499	499	106,858
Change 2018 from 2017 Continuing Resolution	-140	-35	82
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-140	-35	-289
Domestic Rent & Facilities	0	0	267
Other Adjustments	0	0	103
Foreign Expenses	0	0	1
Total Base Adjustments	-140	-35	82
2018 Current Services	499	499	106,858
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	499	499	106,858

Tax Division
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
General Tax Matters	639	534	106,776	499	499	106,858
Total	639	534	106,776	499	499	106,858
Reimbursable FTE	0	0	0	0	0	0
Grand Total	639	534	106,776	499	499	106,858

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
General Tax Matters	0	0	0	499	499	106,858
Total	0	0	0	499	499	106,858
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	499	499	106,858



GENERAL LEGAL ACTIVITIES Criminal Division (CRM)

FY 2018 Budget Request At A Glance

FY 2017 Continuing Resolution:	\$181.4 million (768 positions; 448 attorneys)
Current Services Adjustments:	+\$819,000
Program Changes:	+\$0
FY 2018 Budget Request:	\$182.2 million (680 positions; 421 attorneys)
Change From FY 2017 Continuing Resolution:	+\$819,000 (+0.5%) (-88 positions; -27 attorneys)

Mission:

The mission of the Criminal Division is to develop, enforce, and supervise the application of federal criminal laws. The Division responds to critical and emerging national and international criminal threats and works with the enforcement, regulatory, and intelligence communities in a coordinated, nationwide response to reduce those threats.

The Division performs four key program activities to fulfill its mission: litigating cases (e.g.; multi-jurisdictional and international cases); providing expert guidance and legal advice (to the Attorney General, foreign counterparts, federal, state, and local law enforcement agencies, and U.S. Attorneys' Offices); reviewing and implementing law enforcement activities (e.g. Title III wiretaps, attorney fee forfeitures, correspondent banking subpoenas, and foreign legal frameworks); and fostering and maintaining global partnerships.

Resources:

The FY 2018 budget request for CRM totals \$182.2 million, which is a 0.5% increase over the FY 2017 Continuing Resolution.

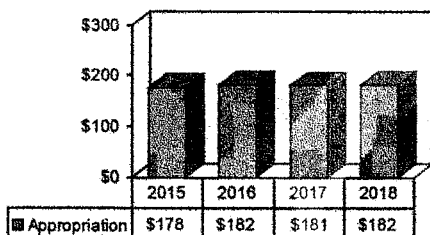
Organization:

CRM is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. The AAG supervises the enforcement of federal criminal laws and policy for the Department of Justice, and supervises criminal prosecutions by the Division's more than 400 prosecutors on a broad range of matters including public corruption, corporate fraud, procurement fraud, computer crime, intellectual property crime, international organized crime, gang crime, narcotics offenses, money laundering offenses, child sexual exploitation, and human rights violations. Through the Division's extensive international operations, via its reimbursable programs with the State Department and other agencies, CRM also has more than 100 direct and reimbursable staff in foreign offices.

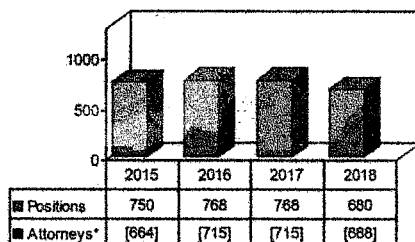
Personnel:

The CRM's direct positions for FY 2018 total 680 positions. CRM's FY 2018 request includes a decrease of -88 positions from the FY 2017 Continuing Resolution of 768 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



Includes reimbursable attorneys.

FY 2018 Strategy:

CRM has substantial prosecutorial expertise in a broad array of federal criminal subject matters, as well as formidable legal expertise and Department-wide operational resources. The Division plays a substantial role in helping the Department accomplish its mission by working to prevent terrorism; promoting the nation's security consistent with the rule of law; preventing crime; protecting the rights of the American people; and enforcing federal law. Additionally, the Division plays the central role in the Department for maintaining global partnerships to further support the Department's mission and goals.

In working toward achieving the mission of the Department, the Division has identified several priority areas to ensure that the country's important justice needs, on both the national and transnational fronts, are effectively addressed, including:

- disrupting and dismantling criminal organizations and networks that act across state and national boundaries and that threaten our country through violence, drug trafficking, and computer crime;
- supporting crime-fighting efforts across federal, state, and local governments;
- ensuring trust and confidence in government institutions, by reducing public corruption at every level of government;
- ensuring the stability and security of domestic and global markets, as well as the integrity of government programs, by reducing fraud, money laundering, and other economic crimes, by both corporations and individuals;
- combatting cyber-based threats and attacks;
- protecting children and vindicating human rights;
- promoting the rule of law around the world;
- assisting law enforcement partners in obtaining evidence in the United States; and
- strengthening justice sector institutions in countries throughout the globe.

FY 2018 Program Changes:

The budget proposal includes funds for current services for CRM. No program changes are requested.

Criminal Division
(Dollars in Thousands)

	Criminal Division		
	Pos	FTE	Amount
2016 Appropriation	768	664	181,745
2017 Continuing Resolution	768	683	181,745
2017 Rescission - 0.1901%	0	0	-346
2017 Continuing Resolution	768	683	181,399
2018 Request	680	680	182,218
Change 2018 from 2017 Continuing Resolution	-88	-3	819
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-88	-3	-4,891
Domestic Rent & Facilities	0	0	6,073
Other Adjustments	0	0	147
Foreign Expenses	0	0	-510
Total Base Adjustments	-88	-3	819
2018 Current Services	680	680	182,218
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	680	680	182,218

Criminal Division
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Enforcing Federal Criminal Laws	768	683	181,399	680	680	182,218
Total	768	683	181,399	680	680	182,218
Reimbursable FTE	0	348	0	0	348	0
Grand Total	768	1,031	181,399	680	1,028	182,218

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Enforcing Federal Criminal Laws	0	0	0	680	680	182,218
Total	0	0	0	680	680	182,218
Reimbursable FTE	0	0	0	0	348	0
Grand Total	0	0	0	680	1,028	182,218



GENERAL LEGAL ACTIVITIES Civil Division (CIV)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$291.7 million (1,325 positions; 953 attorneys)
Current Services Adjustments:	-\$1.8 million
Program Changes:	+\$1.9 million
FY 2018 Budget Request:	\$291.8 million (1,140 positions; 833 attorneys)
Change From FY 2017 Continuing Resolution:	+\$92,000 (+0.0%) (-185 positions; -120 attorneys)

Mission:

Civil Division (CIV) represents the legal interests of the United States, safeguards taxpayer dollars, and protects the safety, health, and economic security of the American people. Each year, CIV typically represents some 200 client agencies in tens of thousands of unique matters. Most of these cases are suits against the United States in which CIV not only defends the Government's statutes, policies, and vital national interests, but also saves billions of dollars for taxpayers. In addition, CIV recovers billions of dollars for taxpayers through its affirmative litigation, such as its enforcement of federal consumer protection laws and its record-setting efforts under the False Claims Act, including cases targeting health care fraud, financial fraud, and procurement fraud against the military.

Organization:

The CIV Assistant Attorney General is appointed by the President and confirmed by the Senate. CIV is comprised of six litigating branches and an administrative office. The six litigating branches include the Commercial Litigation Branch, the Federal Programs Branch, the Office of Immigration Litigation, the Torts Branch, the Appellate Staff, and the Consumer Protection Branch. CIV's core functions include ensuring the Federal Government speaks with one voice in its view of the law; preserving the intent of Congress; advancing the credibility of the Federal Government before the courts; and protecting the public fisc.

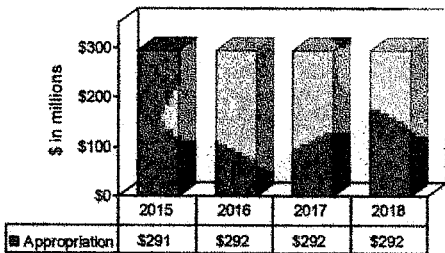
Resources:

The FY 2018 budget request for CIV totals \$291.8 million, which is a 0.0% increase over the FY 2017 Continuing Resolution.

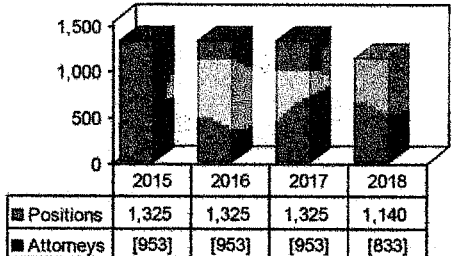
Personnel:

The CIV's direct positions for FY 2018 total 1,140 positions. CIV's FY 2018 request includes a decrease of -185 positions from the FY 2017 Continuing Resolution of 1,325 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

CIV will continue to represent the legal interests of the United States; safeguard taxpayer dollars; and defend and protect the safety, health, and economic security of the American people.

The vast majority of CIV's work (approximately 87%) is defensive litigation and entails legal challenges to federal activities, as well as tort, contract, and other suits against the United States seeking monetary damages or injunctive relief. These suits reflect the wide diversity of government activities and involve enforcement of the country's immigration laws, challenges to Acts of Congress, military actions and counterterrorism efforts, commercial disputes, litigation filed in foreign courts, and accident and other liability claims. CIV's litigation protects the Federal Government's fiscal resources by defending civil lawsuits that seek to collect billions of dollars. As other parties are filing suit against the Federal Government, these parties decide the time, nature and location of a claim. Once a complaint is filed, the Federal Government has no choice (regardless of its budget or ability to absorb the additional work) but to respond to the suit, lest the Federal Government face default judgments or sanctions.

In its affirmative litigation, CIV brings cases involving health care fraud, financial fraud, debt collection, and other civil and criminal violations of consumer protection laws. These cases generate billions of dollars each year for the United States. In FY 2016, CIV, working with U.S. Attorneys, obtained more than \$4.7 billion in settlements and judgments under the False Claims Act.

CIV's litigation protects the safety, health, and economic security of Americans. CIV safeguards the American people by preventing known or suspected terrorists from becoming naturalized citizens and seeking to revoke the naturalization of terrorists. The Division's health care fraud work ends practices that harm America's infirmed and elderly citizens by stopping health care providers from billing federal health programs for unnecessary and invasive medical tests. Civil and criminal enforcement of consumer protection laws prevent the distribution of tainted food, the sale of unsafe goods, and mass marketing frauds such as lottery scams. Enforcing international trade law protects American businesses and their employees by ensuring that importers do not evade antidumping or countervailing duties.

Finally, outside of traditional litigation, CIV aids in administering three compensation programs: the Radiation Exposure Compensation Program, the September 11th Victim Compensation Program, and the Vaccine Injury Compensation Program.

FY 2018 Program Changes:

Office of Immigration Litigation (Attorneys and Support Staff): \$1.9 million and 20 positions (15 attorneys)

This program increase is needed to handle a growing caseload, including a greater number of and more complex challenges to immigration-related laws, regulations and policies. In addition, there is an increase in litigation due to more robust enforcement activities by the U.S. Department of Homeland Security against serious criminal offenders and other immigration law violators.

Civil Division
(Dollars in Thousands)

	Civil Division		
	Pos	FTE	Amount
2016 Appropriation	1,325	1,194	292,214
2017 Continuing Resolution	1,325	1,189	292,214
2017 Rescission - 0.1901%	0	0	-556
2017 Continuing Resolution	1,325	1,189	291,658
2018 Request	1,140	1,130	291,750
Change 2018 from 2017 Continuing Resolution	-185	-59	92
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-205	-69	-2,960
Domestic Rent & Facilities	0	0	1,182
Foreign Expenses	0	0	-6
Total Base Adjustments	-205	-69	-1,784
2018 Current Services	1,120	1,120	289,874
Program Changes			
Increases:			
Office of Immigration Litigation (Attorneys and Support Staff)	20	10	1,876
Subtotal, Program Increases	20	10	1,876
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	20	10	1,876
2018 Request	1,140	1,130	291,750

Civil Division
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	1,325	1,189	291,658	1,120	1,120	289,874
Total	1,325	1,189	291,658	1,120	1,120	289,874
Reimbursable FTE	0	237	0	0	237	0
Grand Total	1,325	1,426	291,658	1,120	1,357	289,874

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Legal Representation	20	10	1,876	1,140	1,130	291,750
Total	20	10	1,876	1,140	1,130	291,750
Reimbursable FTE	0	0	0	0	237	0
Grand Total	20	10	1,876	1,140	1,367	291,750



GENERAL LEGAL ACTIVITIES Environment & Natural Resources Division (ENRD)

FY 2018 Budget Request At A Glance

FY 2017 Continuing Resolution:	\$110.3 million (537 positions; 370 attorneys)
Current Services Adjustments:	+\$3.5 million
Program Changes:	+\$1.8 million
FY 2018 Budget Request:	\$115.6 million (537 positions; 362 attorneys)
Change From FY 2017 Continuing Resolution:	+\$5.3 million (+4.8%) (-8 attorneys)

Mission:

ENRD's mission is to enforce civil and criminal environmental laws and programs protecting the public and environment of the United States and to defend suits challenging environmental programs and activities. ENRD oversees all federal environmental and natural resources litigation arising under more than 150 federal statutes. These statutes include the Clean Air Act; Clean Water Act; Comprehensive Environmental Response, Compensation and Liability Act (Superfund law); Endangered Species Act; National Environmental Policy Act; and many others. The Division's work entails bringing civil and criminal enforcement actions to stop polluters and recover clean-up costs, defending federal agencies in their administration of federal programs including management of federal lands and other natural resources, defending federal regulatory agencies that issue environmental regulations, resolving disputes related to Indian tribes and their lands, and acquiring real property by eminent domain for congressionally authorized purposes.

Resources:

The FY 2018 budget request for ENRD totals \$115.6 million, which is a 4.8% increase over the FY 2017 Continuing Resolution.

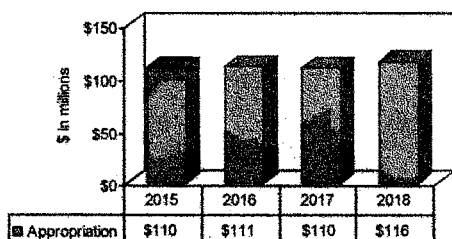
Organization:

ENRD is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. The AAG is assisted by four Deputy Assistant Attorneys General. The AAG oversees a Division that is organized into nine practice areas dedicated to the enforcement of the nation's civil and criminal environmental laws and programs as well as the defense of the United States in matters concerning stewardship of the nation's natural resources and public lands. With several small field locations across the United States, the Division is the nation's environmental lawyer, and the largest environmental law firm in the country.

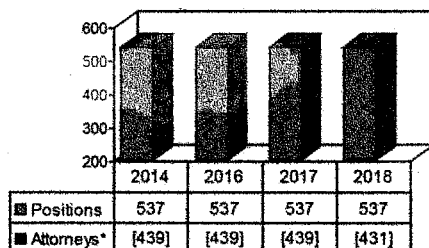
Personnel:

The ENRD's direct positions for FY 2018 total 537 positions and are the same as FY 2017 Continuing Resolution.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



* Includes Reimbursable Attorneys.

FY 2018 Strategy:

ENRD handles both civil and criminal litigation concerning the defense and enforcement of environmental laws and regulations. The Division serves as the nation's environmental litigator and represents many federal agencies including the Environmental Protection Agency, Department of the Interior, Department of Defense, Department of Agriculture, and Department of Homeland Security. ENRD's work is front-and-center in many of the President's policy priorities. As part of the Administration's "America First Energy Plan," the White House has declared: "Protecting clean air and clean water, conserving our natural habitats, and preserving our natural reserves and resources will remain a high priority."

The Division will play a significant role in the implementation of the 2017 Executive Order (EO) on Border Security and Immigration Enforcement. As a result of actions required by the EO, ENRD will guide the acquisition of land along the U.S.-Mexico border (along with developing associated title and appraisal work) and address defensive challenges under a host of environmental, wildlife, procedural and inverse takings statutes (i.e., Endangered Species Act (ESA), National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and Tucker Act). Also, as the federal government enhances the nation's infrastructure, ENRD will defend the federal government from challenges under NEPA, the ESA, and other statutes. Additionally, as the United States' military capacity is strengthened and expanded, ENRD will be at the forefront in defending relevant military actions and activities. Military infrastructure projects and training/readiness activities often give rise to litigation under NEPA, the ESA and the Marine Mammal Protection Act. Furthermore, the government's commitment to further development of federal fossil fuel resources will likely result in challenges to federal decisions to lease oil, gas, and coal – both on and off shore. As a result, in FY 2018 and in future years, ENRD will respond to increased litigation under the Mineral Leasing Act, Outer Continental Shelf Lands Act (OCSLA), Surface Mining Control and Reclamation Act (SMCRA), Federal Land Policy Management Act of 1976 (FLPMA), and NEPA.

As the nation's chief environmental litigator, ENRD strives to obtain full compliance with environmental and conservation statutes. To this end, ENRD seeks to redress past violations that have harmed the environment, establish credible deterrence against future violations, recoup federal funds spent to abate environmental contamination, and obtain funds to restore or replace natural resources damaged through oil spills or the release of other hazardous substances. ENRD ensures illegal emissions are eliminated, hazardous wastes are cleaned up, and drinking water is safe. ENRD's actions, in conjunction with the work of its client agencies, enhance the quality of the environment in the United States and the health and safety of its citizens.

In FY 2018, ENRD will continue to pursue legal action to enforce federal pollution abatement laws and obtain compliance with environmental protection and conservation statutes. In all matters concerning protection, use, and development of the nation's natural resources and public lands, the Division will defend suits challenging all of the foregoing laws, and fulfill the federal government's responsibility to litigate on behalf of Indian tribes and individual Indians. ENRD will continue to protect the federal fisc, reduce harmful discharges into the air, water, and land, enable clean-up of contaminated waste sites, and ensure proper disposal of solid and hazardous waste.

FY 2018 Program Changes:

Land Acquisition Section (20 Attorneys and Support Staff): \$1.8 million and 20 positions (12 attorneys) Land Acquisition Section.

This increase will allow ENRD to dedicate an additional 20 positions to meet litigation, acquisition, and appraisal demands during the construction along the border between Mexico and the United States. Current services for this initiative are 2 positions (2 attorneys) and \$329 thousand.

Environment & Natural Resources Division
(Dollars in Thousands)

	Environment & Natural Resources Division		
	Pos	FTE	Amount
2016 Appropriation	537	542	110,512
2017 Continuing Resolution	537	526	110,512
2017 Rescission - 0.1901%	0	0	-210
2017 Continuing Resolution	537	526	110,302
2018 Request	537	527	115,598
Change 2018 from 2017 Continuing Resolution	0	1	5,296
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-20	-9	-4,425
Domestic Rent & Facilities	0	0	7,905
Other Adjustments	0	0	18
Total Base Adjustments	-20	-9	3,498
2018 Current Services	517	517	113,800
Program Changes			
Increases:			
Land Acquisition Section (20 Attorneys and Support Staff)	20	10	1,798
Subtotal, Program Increases	20	10	1,798
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	20	10	1,798
2018 Request	537	527	115,598

Environment & Natural Resources Division
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Environment and Natural Resources	537	526	110,302	517	517	113,800
Total	537	526	110,302	517	517	113,800
Reimbursable FTE	0	115	0	0	115	0
Grand Total	537	641	110,302	517	632	113,800

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Environment and Natural Resources	20	10	1,798	537	527	115,598
Total	20	10	1,798	537	527	115,598
Reimbursable FTE	0	0	0	0	115	0
Grand Total	20	10	1,798	537	642	115,598



GENERAL LEGAL ACTIVITIES Office of Legal Counsel (OLC)

FY 2018 Budget Request At A Glance

FY 2017 Continuing Resolution:	\$8.0 million (33 positions; 27 attorneys)
Current Services Adjustments:	+\$36,000
Program Changes:	+\$0
FY 2018 Budget Request:	\$8.0 million (32 positions; 26 attorneys)
Change From FY 2017 Continuing Resolution:	+\$36,000 (+0.5%) (-1 position; -1 attorney)

Mission:

The mission of OLC is to assist the Attorney General in his functions as legal advisor to the President and all of the Executive Branch agencies. The Office drafts legal opinions on behalf of the Attorney General and provides written opinions and oral advice in response to requests from the Counsel to the President, the various agencies of the Executive Branch, and offices within the Department. Such requests may involve legal issues about which two or more agencies are in disagreement. OLC is also responsible for providing legal advice to the Executive Branch on constitutional questions and reviewing pending legislation for constitutionality. OLC reviews all Executive Orders and Attorney General Orders for form and legality.

Resources:

The FY 2018 budget request for OLC totals \$8.0 million, which is a 0.5% increase over the FY 2017 Continuing Resolution.

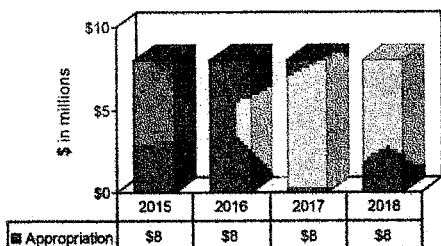
Organization:

OLC is headed by an Assistant Attorney General (AAG) who is appointed by the President and confirmed by the Senate. Additionally, the AAG is supported by a Principal Deputy Assistant Attorney General and 24 attorney advisers located in Washington, DC. Several of OLC's administrative functions have been provided by the executive office of the Office of the Solicitor General since FY 2012.

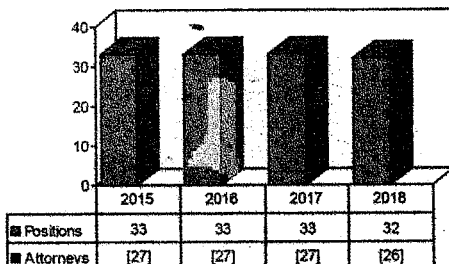
Personnel:

The OLC's direct positions for FY 2018 total 32 positions. OLC's FY 2018 request includes a decrease of 1 position from the FY 2017 Continuing Resolution level of 33 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

OLC's mission remains urgent as the Department continues to confront national security and intelligence challenges and advises the myriad of agencies involved in responding to the economic crisis.

OLC is involved in reviewing legislation on a wide variety of important Administration initiatives and in reviewing the large number of Executive Orders and Presidential memoranda that are used to carry out Executive Branch policies. OLC published 57 of its formal opinions issued in the previous Administration. These opinions cover constitutional and statutory questions from a wide range of fields, including national security, criminal law, civil rights, fiscal law, and appointment and removal authorities. OLC gives critical advice on how the Executive Branch organizes itself and carries out its missions.

OLC's challenges are of an internal and external nature. OLC does not initiate its workload nor does it have control over the volume of work. The work results from requests for opinions and legal advice from the Counsel to the President, general counsels of the Office of Management and Budget and other Executive Office of the President components, general counsels of Executive Branch departments and agencies, the National Security Council Legal Advisor, and the Attorney General and other Department of Justice officials. Because OLC is a relatively small component, OLC has little flexibility in responding to unexpected surges in workload, such as those created by national security matters, the financial crisis, or new legislative initiatives.

FY 2018 Program Changes:

The budget proposal includes funding for current services for OLC. No program changes are requested.

Office of Legal Counsel
(Dollars in Thousands)

	Office of Legal Counsel		
	Pos	FTE	Amount
2016 Appropriation	33	30	7,989
2017 Continuing Resolution	33	27	7,989
2017 Rescission - 0.1901%	0	0	-15
2017 Continuing Resolution	33	27	7,974
2018 Request	32	32	8,010
Change 2018 from 2017 Continuing Resolution	-1	5	36
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-1	5	-31
Domestic Rent & Facilities	0	0	33
Other Adjustments	0	0	34
Total Base Adjustments	-1	5	36
2018 Current Services	32	32	8,010
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	32	32	8,010

Office of Legal Counsel
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Office of Legal Counsel	33	30	7,974	32	32	8,010
Total	33	30	7,974	32	32	8,010
Reimbursable FTE	0	0	0	0	0	0
Grand Total	33	30	7,974	32	32	8,010

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Office of Legal Counsel	0	0	0	32	32	8,010
Total	0	0	0	32	32	8,010
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	32	32	8,010



GENERAL LEGAL ACTIVITIES Civil Rights Division (CRT)

FY 2018 Budget Request At A Glance

FY 2017 Continuing Resolution:	\$148.0 million (714 positions; 383 attorneys)
Current Services Adjustments:	+\$168,000
Program Changes:	+\$0
FY 2018 Budget Request:	\$148.1 million (593 positions; 369 attorneys)
Change From FY 2017 Continuing Resolution:	+\$168,000 (+0.1%) (-121 positions; -14 attorneys)

Mission:

CRT enforces the federal laws that prohibit discrimination and uphold the civil and constitutional rights of all who live in America. The Division works to advance three basic principles:

Expanding opportunity for all people by advancing the opportunity to learn, earn a living, live where one chooses, and worship freely in one's community.

Safeguarding the fundamental infrastructure of democracy by protecting the right to vote and access to justice, ensuring that communities have effective and democratically accountable policing, and protecting those who protect us.

Protecting the most vulnerable among us by ensuring that all in America can live free from fear of exploitation, discrimination, and violence.

Resources:

The FY 2018 budget request for CRT totals \$148.1 million, which is a 0.1% increase over the FY 2017 Continuing Resolution.

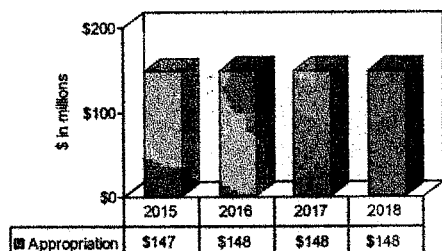
Organization:

CRT is headed by the Assistant Attorney General for Civil Rights (AAG), who is appointed by the President and confirmed by the Senate. The AAG is assisted by five Deputy Assistant Attorneys General. The AAG oversees a Division that is organized into ten sections dedicated to the enforcement of the nation's civil rights laws. The Division is headquartered in Washington, DC. Due to its broad jurisdiction, Division staff travel throughout the United States to prosecute and litigate cases and to engage in technical assistance, outreach and training.

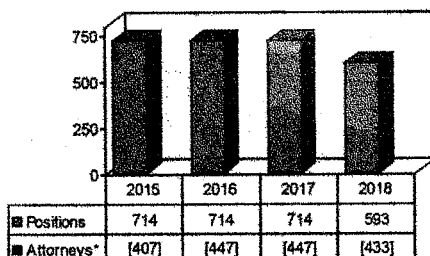
Personnel:

The CRT's direct positions for FY 2018 total 593 positions. CRT's FY 2018 request includes a decrease of -121 positions from the FY 2017 Continuing Resolution of 714 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



* Includes reimbursable attorneys.

FY 2018 Strategy:

In FY 2018, CRT will continue to pursue its core principles through several key enforcement areas:

Combating human trafficking: The Division aims to protect victims of human trafficking and to aggressively prosecute traffickers. The Division will continue to expand its Human Trafficking program in FY 2018.

Prosecuting hate crimes: The Division will prioritize hate crimes enforcement to ensure that individuals and communities are protected from crimes that are motivated by racial, religious or other bias.

Protecting the rights of U.S. workers: The Division will continue to vigorously combat workplace discrimination. In FY 2018, the Division will prioritize enforcement of the Immigration and Nationality Act to ensure that companies do not discriminate against U.S. workers in favor of foreign visa holders.

Protecting the rights of servicemembers and veterans: In FY 2015 and FY 2016, the Division achieved victories in ensuring the rights of our men and women in uniform including having meaningful employment upon their return, as well as asserting financial and housing protections. CRT plans to build on its successes as it continues these efforts on behalf of the nation's military servicemen and women, and veterans in FY 2018.

Safeguarding voting rights for all Americans: The Department will continue to protect voting rights through efforts to detect and investigate voting practices that violate federal laws, through affirmative litigation to enjoin such practices, and through the monitoring of elections all throughout the country each year.

Promoting fair housing: In FY 2015 and FY 2016, the Division opened a number of investigations and filed several lawsuits seeking to expand fair housing opportunities for all. CRT will continue those efforts in FY 2018.

Promoting educational opportunities: The Division will continue to work collaboratively with the Department of Education's Office of Civil Rights to review regulatory materials. The Division will also continue to prioritize the review of approximately 170 longstanding consent decrees.

FY 2018 Program Changes:

The budget proposal includes funds for current services for CRT. No program changes are requested.

Civil Rights Division
(Dollars in Thousands)

	Civil Rights Division		
	Pos	FTE	Amount
2016 Appropriation	714	552	148,239
2017 Continuing Resolution	714	606	148,239
2017 Rescission - 0.1901%	0	0	-282
2017 Continuing Resolution	714	606	147,957
2018 Request	593	593	148,125
Change 2018 from 2017 Continuing Resolution	-121	-13	168
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-121	-13	168
Total Base Adjustments	-121	-13	168
2018 Current Services	593	593	148,125
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	593	593	148,125

**Civil Rights Division
(Dollars in Thousands)**

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Civil Rights Enforcements	714	606	147,957	593	593	148,125
Total	714	606	147,957	593	593	148,125
Reimbursable FTE	0	93	0	0	93	0
Grand Total	714	699	147,957	593	686	148,125

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Civil Rights Enforcements	0	0	0	593	593	148,125
Total	0	0	0	593	593	148,125
Reimbursable FTE	0	0	0	0	93	0
Grand Total	0	0	0	593	686	148,125



GENERAL LEGAL ACTIVITIES INTERPOL Washington (USNCB)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$33.4 million (77 positions; 2 attorneys)
Current Services Adjustments:	+\$1.2 million
Program Changes:	+\$0
FY 2018 Budget Request:	\$34.5 million (72 positions; 2 attorneys)
Change From FY 2017 Continuing Resolution:	+\$1.2 million (+3.4%) (-5 positions)

Mission:

INTERPOL Washington, the United States National Central Bureau (USNCB), is the statutorily designated representative to the International Criminal Police Organization (INTERPOL) on behalf of the Attorney General. Its mission includes, but is not limited to, facilitating international police cooperation; transmitting information of a criminal justice, humanitarian and other law enforcement-related nature between U.S. law enforcement authorities and their foreign counterparts; and coordinating and integrating information in criminal investigations that serve to combat transnational crime and terrorism.

Organization:

The USNCB is a component of the Department of Justice (DOJ), and is co-managed with the Department of Homeland Security pursuant to a memorandum of understanding. It is staffed by a multi-sector workforce consisting of permanent DOJ analysts, program managers, and administrative personnel; detailees (including the Director and Deputy Director) representing a variety of U.S. law enforcement agencies; and contractors. Operating 24/7/365, the USNCB serves as the exclusive U.S. point of contact for all INTERPOL matters on behalf of the more than 18,000 domestic law enforcement agencies and their foreign counterparts. Personnel detailed to the USNCB are assigned to work in divisions dedicated to specific investigative areas including counterterrorism, drugs, economic crime, human trafficking, fugitives, and violent crime.

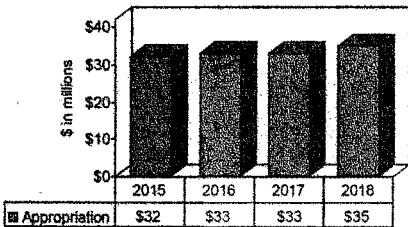
Resources:

The FY 2018 budget request for USNCB totals \$34.5 million, which is a 3.4% increase over the FY 2017 Continuing Resolution.

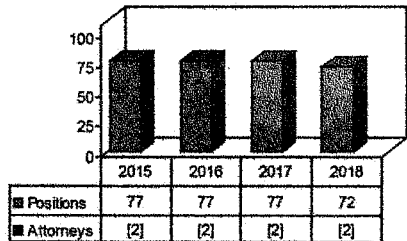
Personnel:

The USNCB's direct positions for FY 2018 total 72 positions. USNCB's FY 2018 request includes a decrease of -5 positions from the FY 2017 Continuing Resolution of 77 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

The growth in transnational crime and the threats associated with international terrorism have resulted in a greater need for global law enforcement cooperation and access to international law enforcement information. The USNCB provides the necessary communications network, framework for police cooperation, and essential tools and services that lead to timely investigative results for our nation's law enforcement authorities and their international counterparts engaged in the fight against transnational crime and terrorism.

Facilitate Global Law Enforcement Communications

INTERPOL Washington provides Federal, State, Local and Tribal law enforcement officials with the ability to exchange information with INTERPOL and its 189 other member countries, either bilaterally, regionally, or globally. This unique capability facilitates police-to-police interaction in investigative matters ranging from simple criminal history checks to the sharing of intelligence and investigative leads targeting transnational organized crime groups. It also provides an international communications network for processing humanitarian assistance requests on U.S. citizens overseas or foreign nationals in the U.S.

The USNCB maintains a complex information technology architecture that is relied upon by multiple U.S. counterterrorism, immigration and border security agencies who conduct visa, border, immigration, and terrorism screening activities. In addition, state, local, federal and tribal law enforcement authorities in the U.S. increasingly access and use INTERPOL data to perform various law enforcement and border security functions.

Support International Investigative Efforts

INTERPOL administers a system of international "lookouts" or advisory notices to share information with its 190 member countries. As the U.S. National Central Bureau, INTERPOL Washington is exclusively responsible for obtaining the publication of INTERPOL Notices on behalf of all U.S. law enforcement authorities, providing critical information on individuals wanted for serious crimes, potential threats, and missing persons, among other matters. The USNCB also performs an array of activities that directly support domestic and foreign law enforcement and enhances access to international law enforcement investigative assistance, data, and criminal intelligence.

Increase and Enhance Access to Law Enforcement Information

The USNCB is committed to facilitating the sharing of international law enforcement information throughout the United States. Its ability to support this mission is intrinsically linked to technology, interoperability and automation. As of the end of FY 2015, the USNCB facilitated the processing of 466 million queries, an increase of 5 percent over the number of queries run in FY 2015. Through the USNCB's expansion initiatives, over 94 percent of all states now have the ability to directly query INTERPOL databases. Automating INTERPOL queries is a proven, highly effective method for aggressively identifying, tracking, and apprehending subjects that have committed transnational crimes. The USNCB will continue to extend and automate national access to these INTERPOL systems as well as to improve and simplify our ability to communicate securely with various law enforcement agencies through mobility platforms and Internet connected devices.

FY 2018 Program Changes:

The budget proposal includes funds for current services for USNCB. No program changes are requested.

INTERPOL Washington
(Dollars in Thousands)

	INTERPOL Washington		
	Pos	FTE	Amount
2016 Appropriation	77	62	33,437
2017 Continuing Resolution	77	69	33,437
2017 Rescission - 0.1901%	0	0	-63
2017 Continuing Resolution	77	69	33,374
2018 Request	72	72	34,525
Change 2018 from 2017 Continuing Resolution	-5	3	1,151
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-5	3	-795
Domestic Rent & Facilities	0	0	17
Other Adjustments	0	0	8
Foreign Expenses	0	0	1,921
Total Base Adjustments	-5	3	1,151
2018 Current Services	72	72	34,525
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	72	72	34,525

INTERPOL Washington
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
INTERPOL - Washington	77	69	33,374	72	72	34,525
Total	77	69	33,374	72	72	34,525
Grand Total	77	69	33,374	72	72	34,525

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
INTERPOL - Washington	0	0	0	72	72	34,525
Total	0	0	0	72	72	34,525
Grand Total	0	0	0	72	72	34,525



Antitrust Division (ATR)

FY 2018 Budget Request At A Glance

FY 2017 Continuing Resolution:	\$164.7 million (830 positions; 380 attorneys)
Current Services Adjustments:	+\$0
Program Changes:	+\$0
FY 2018 Budget Request:	\$164.7 million (695 positions; 335 attorneys)
Change From FY 2017 Continuing Resolution:	+\$0 (-135 positions; -45 attorneys)

Mission:

The mission of the ATR is to promote economic competition through enforcing and providing guidance on antitrust laws and principles.

Organization:

The ATR is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. The AAG is currently assisted by five Deputy Assistant Attorneys General, including career and non-career employees. In addition to its Washington, D.C. offices and sections, ATR has three offices strategically located across the U.S. that primarily handle criminal matters and serve as liaisons to the U.S. Attorneys, state attorneys general, and other law enforcement agencies.

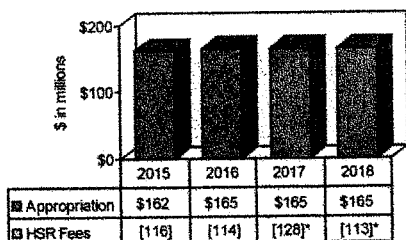
Resources:

The FY 2018 budget request for ATR totals \$164.7 million, which is the same as 2017 Continuing Resolution. Approximately two-thirds of ATR's funding is derived from Hart-Scott-Rodino (HSR) premerger filing fees paid by companies planning to merge. HSR fee collections of \$112.7 million are expected for FY 2018. The filing fee revenue is divided evenly between the Antitrust Division and the Federal Trade Commission.

Personnel:

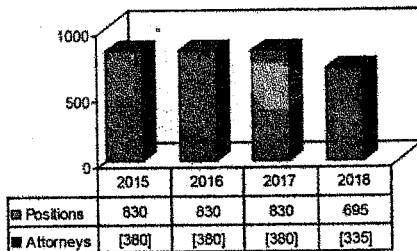
The ATR's direct positions for FY 2018 total 695 positions. ATR's FY 2018 request includes a decrease of -135 positions from the FY 2017 Continuing Resolution of 830 direct positions.

Funding (FY 2015 - 2018)



* FY 2017 - FY 2018 HSR fees are estimated.

Personnel (FY 2015 - 2018)



FY 2018 Strategy:

ATR will continue its efforts in essential areas in U.S. and global markets to ensure that American consumers and businesses are left with a vibrant and appropriately competitive marketplace.

The Division's Civil Merger program will focus sharply on the statutorily mandated review of premerger notifications and challenge problematic transactions in court, whether fundamentally flawed or where parties do not provide a remedy sufficient to resolve a proposed transaction's competitive harm. The Civil Non-Merger program will maintain a vigilant watch for contractual provisions or transactions that unlawfully disrupt the competitive process. Industries and markets that ATR will continue to focus on are wide-ranging and include movie theaters, advertising, banking, cable television, transportation, and beer.

Vigorous enforcement of criminal antitrust laws will continue to be the number one priority of the Division's Criminal Program. ATR has a history of achieving record-setting prison sentences and criminal fines and expects this trend to continue in FY 2018. The Division will continue to uncover and prosecute cartels and other criminal activity across the spectrum of the Nation's economy in many areas including financial services, automotive parts, electronic capacitors, and generic pharmaceuticals.

Competition advocacy – to government entities, private firms and organizations, and the general public – will continue to be an important initiative in the Division with broad focus on intellectual property and competition law, and specific attention to evolving communications markets. Pursuit of many international initiatives, including enforcement and policy cooperation, bilateral/multilateral activities, and technical assistance will be an important focus as these efforts help protect U.S. consumers by strengthening enforcement and promoting international convergence around sound antitrust principles.

FY 2018 Program Changes:

The budget proposal includes funds for current services for ATR. No program changes are requested.

Antitrust Division
(Dollars in Thousands)

	Antitrust Division		
	Pos	FTE	Amount
2016 Appropriation	[830]	689	164,977
2017 Continuing Resolution	[830]	694	164,977
2017 Rescission - 0.1901%	0	0	-314
2017 Continuing Resolution	[830]	694	164,663
2018 Request	[695]	695	164,663
Change 2018 from 2017 Continuing Resolution	-135	1	0
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	[-135]	1	-121
Domestic Rent & Facilities	0	0	106
Other Adjustments	0	0	15
Total Base Adjustments	[-135]	1	0
2018 Current Services	[695]	695	164,663
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	[695]	695	164,663

Antitrust Division
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Antitrust Division	830	694	164,663	695	695	164,663
Total	830	694	164,663	695	695	164,663
Reimbursable FTE	0	0	0	0	0	0
Grand Total	830	694	164,663	695	695	164,663

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Antitrust Division	0	0	0	695	695	164,663
Total	0	0	0	695	695	164,663
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	695	695	164,663



U.S. Attorneys (USA)

FY 2018 Budget Request At A Glance

FY 2017 Continuing Resolution:	\$1,996.2 million (10,731 positions; 5,518 attorneys)
Current Services Adjustments:	+\$35.1 million
Program Changes:	+\$26.0 million
FY 2018 Budget Request:	\$2,057.3 million (11,031 positions; 5,818 attorneys)
Change From FY 2017 Continuing Resolution:	+\$61.1 million (+3.1%) (+300 positions; +300 attorneys)

Mission:

Under the direction of the Attorney General, the U.S. Attorneys serve as the Nation's principal litigators. Their offices bring criminal prosecutions, pursue civil penalties, defend federal programs, and guard the financial interests of the United States in court. They also provide advice and counsel to the Attorney General and senior policy leadership through the Attorney General's Advisory Committee and its various subcommittees. The Executive Office for U.S. Attorneys (EOUSA) provides the United States Attorneys' offices (USAOs) with general executive assistance and direction, policy development, administrative management direction and oversight, operational support, training, and coordination with other components of the Department and other federal agencies.

Resources:

The FY 2018 budget request for USA totals \$2,057 million, which is a 3.1% increase over the FY 2017 Continuing Resolution.

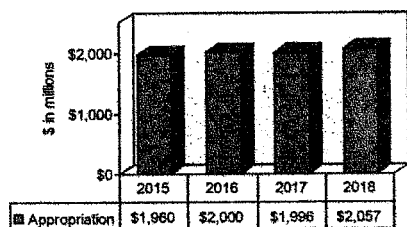
Organization:

There are 83 U.S. Attorneys (USAs) located throughout the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands. U.S. Attorneys are appointed by, and serve at the discretion of, the President, with the advice and consent of the Senate. One U.S. Attorney is assigned to each of the judicial districts, with the exception of Guam and the Northern Mariana Islands, where a single U.S. Attorney serves both districts. Each U.S. Attorney is the chief federal law enforcement officer of the U.S. within his or her particular jurisdiction. EOUSA was created on April 6, 1953, by Attorney General Order 8-53, to provide for close liaison between the Department of Justice in Washington, DC, and the USAs.

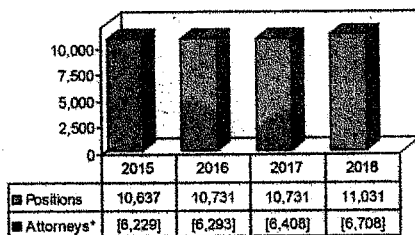
Personnel:

The USA's direct positions for FY 2018 total 11,031 positions. USA's FY 2018 request includes an increase of 300 positions from the FY 2017 Continuing Resolution of 10,731 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



* Includes reimbursable attorneys.

FY 2018 Strategy:

In FY 2018, USAs will promote the safety of the American people by prosecuting a diverse workload of federal criminal cases and will initiate and defend civil actions to assert and protect the interests of the United States.

The expansive criminal and civil workload includes cases involving international and domestic terrorism; illegal immigration; southwest border enforcement; violent crime; firearms; gang prosecutions; transnational organized crime; Indian Country prosecutions; cybercrime prosecutions; drug enforcement; human trafficking; and complex and multi-jurisdictional white collar crimes – including health care fraud, identity theft, public corruption, corporate fraud, and investment fraud. The USAs will also continue to collect both criminal and civil debt. In FY 2016, USAs collected a total of \$13.9 billion in criminal and civil debt.

Federal prosecution of crimes committed on our nation's northern and southwestern borders is a critical part of our national security. Border-related cases span a wide range of priorities, including felony and misdemeanor immigration cases, human trafficking, alien smuggling, firearms and ammunition trafficking, document fraud, drug offenses, and significant threats from designated criminal and terrorist organizations. In combating these challenges, USAs' efforts will focus aggressively on illegal immigration and violent crime.

For many years, the USAs have made criminal immigration prosecutions the largest category of criminal cases handled in their offices, and they will continue with those efforts. At the same time, the USAs are defending an increasing number of civil actions brought by immigration detainees who either are in deportation proceedings or are subject to final orders of deportation. Petitions for constitutionally required bond hearings brought by criminal aliens, challenges to denial of parole by arriving aliens, and expedited removal proceedings with respect to arriving aliens, present a growing challenge in the border states and at other locations with major cities and ports of entry.

Violent crime will remain a high priority for the U.S. Attorneys. USAs continue to address the illegal use of firearms and other acts of violence in our communities. Drug prosecutions will continue to be a priority, with a particular emphasis on the operations of large drug organizations. USAs will leverage a multi-agency focus on reducing violent and gun-related crime in particularly hard-hit urban areas by using innovative means to locate individuals, organizations and gangs within specific high crime jurisdictions. Through partnerships of federal, state and local law enforcement, USA will utilize the tools and resources available to develop and implement strategies for eradicating violent crime wherever it may occur.

Cybercriminals can compromise national security and potentially cripple our nation's infrastructure. In FY 2018, USA will continue to prioritize cybercrime prosecutions, protecting Americans from similar threats in the future.

FY 2018 Program Changes:**Immigration Enforcement Prosecutors:** \$7.2 million and 70 positions (70 attorneys)

Funding will provide for 70 Assistant United States Attorneys to address illegal immigration and border enforcement. These additional resources will be fully dedicated to the prosecution of border-related offenses and ensure that safeguarding our borders remains a priority. The prosecutors will be provided to the offices with the highest demonstrated need in areas that are necessary to accomplish the objectives of this initiative.

Violent Crime Prosecutors: \$18.8 million and 230 positions (230 attorneys)

Funding will provide for 230 Assistant United States Attorneys to address violent crime across the country. These additional resources will help ensure the safety and security of people in communities across the country by leveraging the United States Attorneys ability to convene federal, state, and local law enforcement to improve public safety. The prosecutors will combat all types of violent crime through comprehensive strategies involving vigorous prosecution and prevention efforts. Resources will be provided to the offices with the highest demonstrated need in areas that are necessary to accomplish the objectives of this initiative.

U.S. Attorneys
(Dollars in Thousands)

	U.S. Attorneys		
	Pos	FTE	Amount
2016 Appropriation	10,731	9,889	2,000,000
2017 Continuing Resolution	10,731	10,016	2,000,000
2017 Rescission - 0.1901%	0	0	-3,802
2017 Continuing Resolution	10,731	10,016	1,996,198
2018 Request	11,031	10,144	2,057,252
Change 2018 from 2017 Continuing Resolution	300	128	61,054
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	0	0	36,679
Domestic Rent & Facilities	0	0	-1,576
Total Base Adjustments	0	0	35,103
2018 Current Services	10,731	10,016	2,031,301
Program Changes			
Increases:			
Immigration Enforcement Prosecutors	70	43	7,188
Violent Crime Prosecutors	230	85	18,783
Subtotal, Program Increases	300	128	25,951
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	300	128	25,951
2018 Request	11,031	10,144	2,057,252

U.S. Attorneys
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Criminal Litigation	8,176	7,623	1,478,870	8,176	7,623	1,503,724
Civil Litigation	2,502	2,340	492,956	2,502	2,340	501,010
Legal Education	53	53	24,372	53	53	26,567
Total	10,731	10,016	1,996,198	10,731	10,016	2,031,301
Reimbursable FTE	0	1,695	0	0	1,695	0
Grand Total	10,731	11,711	1,996,198	10,731	11,711	2,031,301

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Criminal Litigation	280	118	23,573	8,456	7,741	1,527,297
Civil Litigation	20	10	2,378	2,522	2,350	503,388
Legal Education	0	0	0	53	53	26,567
Total	300	128	25,951	11,031	10,144	2,057,252
Reimbursable FTE	0	0	0	0	1,695	0
Grand Total	300	128	25,951	11,031	11,839	2,057,252



U.S. Trustees (USTP)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$225.5 million (1,314 positions; 436 attorneys)
Current Services Adjustments:	+\$0
Program Changes:	+\$0
FY 2018 Budget Request:	\$225.5 million (1,028 positions; 360 attorneys)
Change From FY 2017 Continuing Resolution:	+\$0 (-286 positions)

Mission:

USTP's mission is to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public.

Organization:

The USTP is managed by an Executive Office in Washington, DC, which is headed by a Director, a career appointee in the Senior Executive Service, who provides comprehensive policy and management direction to the U.S. Trustees and their staffs. The USTP operates in 88 judicial districts through a system of 21 regions, each headed by a U.S. Trustee, and 92 district office locations. (The USTP does not operate in the judicial districts established for Alabama and North Carolina.)

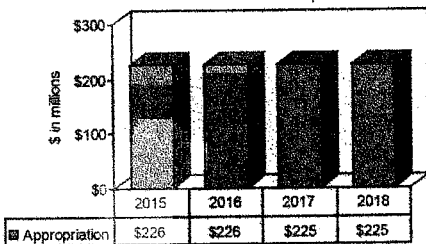
Resources:

The FY 2018 budget request for USTP totals \$225.5 million, which is the same as 2017 Continuing Resolution.

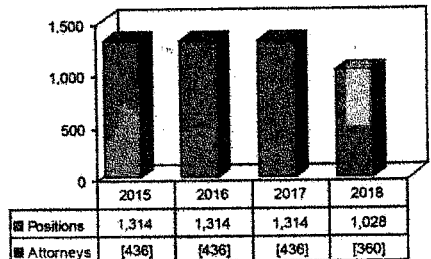
Personnel:

The USTP's direct positions for FY 2018 total 1,028 positions. USTP's FY 2018 request includes a decrease of -286 positions from the FY 2017 Continuing Resolution of 1,314 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

The "USTP" or the "Program" is a litigating component of the Department whose mission is to promote the integrity and efficiency of the nation's bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public. Based solely upon recent filing rates, the USTP projects 733,000 bankruptcy filings during FY 2018.

The USTP oversees the administration of and, by statute, has standing to participate in all bankruptcy cases filed by individual and business debtors in every federal judicial district (except those in Alabama and North Carolina). To ensure the integrity of the bankruptcy system, the Program employs a broad range of enforcement and oversight activities. These activities include conducting tens of thousands of civil enforcement actions each year against debtors and others who violate bankruptcy law; protecting consumer debtors from being victimized by unscrupulous creditors, bankruptcy petition preparers or attorneys; providing oversight of chapter 11 cases; supervising private trustees who administer chapters 7, 12, and 13 bankruptcy cases; and participating in appeals to bankruptcy appellate panels, district courts, circuit courts of appeals, and the U.S. Supreme Court to ensure the Bankruptcy Code is consistently interpreted and applied.

The USTP has two main strategies to protect the bankruptcy system: (1) address fraud and abuse of the system by debtors, financial institutions and other creditors, and third parties such as attorneys and non-attorney petition preparers; and (2) ensure accountability by management of chapter 11 corporate debtors by ensuring that entrenched management does not cut off the rights of other parties, by opposing insider bonuses that do not satisfy strict statutory standards, and by ensuring that attorneys and other professional firms adhere to statutory requirements pertaining to disclosure, conflicts of interest, and payment of fees.

The USTP is instrumental in helping to combat mortgage fraud and creditor abuse activities that could otherwise result in significant adverse consequences to the nation's financial systems. Since 2008, the USTP has reached 12 national settlements, nine of which resulted from the Program's creditor enforcement efforts. In 2016, the USTP participated in a settlement between DOJ and its federal and state partners with HSBC Bank resolving multiple issues relating to mortgage loan origination and servicing. The agreement provided for \$470 million in relief to consumers, as well as payments to federal and state parties. It is critical that the USTP maintain a capability to mobilize quickly to address increasingly complex abuse of the consumer and business bankruptcy system. Among current projects is an effort to address bankruptcy fraud and abuse committed through use of the internet.

The USTP receives filing fees from consumer and business debtors and quarterly fees based on disbursements from chapter 11 debtors. These fees are deposited into the United States Trustee System Fund ("Fund") and are used to offset amounts expended by the USTP pursuant to Congressional appropriations.

For the past century, filings have generally increased about two-thirds of the time and decreased the other one-third. However, in recent years, bankruptcy filing rates have been extraordinarily unpredictable. After a historic rise in the number of bankruptcy filings from FY 2007 to FY 2010, filing rates have declined through the first half of FY 2017. The USTP does not project a significant rebound in bankruptcy filings and associated fees in FY 2018. During FY 2017, the USTP is predicted to exhaust the balance of the Fund and fall short of fully offsetting the FY 2017 appropriation. To address this issue in FY 2018 and beyond, the USTP proposes to adjust quarterly fees for the largest chapter 11 debtors (those with disbursements of more than \$1 million quarterly). If the fee adjustment is effective October 1, 2017, the FY 2018 budget request is anticipated to be fully offset by bankruptcy fees collected and on deposit in the Fund.

FY 2018 Program Changes:

The budget proposal includes funds for current services for USTP. No program changes are requested.

U.S. Trustees
(Dollars in Thousands)

	U.S. Trustees		
	Pos	FTE	Amount
2016 Appropriation	[1,314]	1,088	225,908
2017 Continuing Resolution	[1,314]	1,184	225,908
2017 Rescission - 0.1901%	0	0	-429
2017 Continuing Resolution	[1,314]	1,184	225,479
2018 Request	[1,028]	1,028	225,479
Change 2018 from 2017 Continuing Resolution	-286	-156	0
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	[-286]	-156	-71
Domestic Rent & Facilities	0	0	71
Total Base Adjustments	[-286]	-156	0
2018 Current Services	[1,028]	1,028	225,479
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	[1,028]	1,028	225,479

U.S. Trustees
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Administration of Cases	1,314	1,184	225,479	1,028	1,028	225,479
Total	1,314	1,184	225,479	1,028	1,028	225,479
Grand Total	1,314	1,184	225,479	1,028	1,028	225,479

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Administration of Cases	0	0	0	1,028	1,028	225,479
Total	0	0	0	1,028	1,028	225,479
Grand Total	0	0	0	1,028	1,028	225,479



Foreign Claims Settlement Commission (FCSC)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$2.4 million (11 positions; 5 attorneys)
Current Services Adjustments:	+\$40,000
Program Changes:	+\$0
FY 2018 Budget Request:	\$2.4 million (11 positions; 5 attorneys)
Change From FY 2017 Continuing Resolution:	+\$40,000 (+1.7%)

Mission:

The principal mission of the FCSC is to adjudicate claims of U.S. nationals against foreign governments, exercising jurisdiction conferred by the International Claims Settlement Act of 1949, as amended, and other authorizing legislation.

Resources:

The FY 2018 budget request for FCSC totals \$2.4 million, which is a 1.7% increase over the FY 2017 Continuing Resolution.

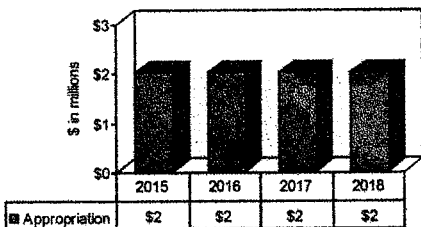
Organization:

The FCSC consists of a Chairman and two part-time Commissioners who are all appointed by the President and confirmed by the Senate. They are aided by eight support staff.

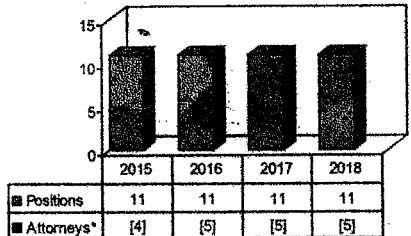
Personnel:

The FCSC's direct positions for FY 2018 total 11 positions and are the same as FY 2017 Continuing Resolution.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

In FY 2018, the Commission plans to continue its administration of the Iraq Claims Program. On June 21, 2011, the Department of State issued a press release announcing a settlement with the Government of Iraq in the amount of \$400 million to provide compensation for American nationals who were prisoners of war, hostages, or human shields during the first Gulf War, and for U.S. servicemen who were injured in the 1987 attack on the USS Stark. The Commission has thus far completed its adjudication of claims referred by the Department of State Legal Adviser's referral letter of November 14, 2012 pursuant to 22 U.S.C. § 1623 (a)(1)(C) and has now begun its adjudication of claims under the State Department's letter of referral dated October 7, 2014.

In FY 2018, the Commission also plans to continue its administration of the Guam Claims Program. Signed into law in 2016, the Guam World War II Loyalty Recognition Act, Title XVII, Pub. L. No. 114-328, 130 Stat. 2000, 2641-2647 (2016) (the "Guam Loyalty Recognition Act" or "Act") authorizes the Commission to adjudicate claims and determine the eligibility of individuals for payments under the Act, in recognition of harms suffered by residents of Guam as a result of the occupation of Guam by Imperial Japanese military forces during World War II.

Furthermore, the Commission will continue to have authority under the International Claims Settlement Act of 1949, as amended, and the 1995 United States-Albanian claims settlement agreement, to make awards in any additional claims against Albania that are filed. In addition, when appropriate, the Commission will continue to reopen and reconsider claims it had previously denied, taking into account the modification of the Albanian Claims Settlement Agreement effected in 2006.

Additionally, the Commission will research and respond to requests for information concerning properties expropriated by the Castro regime in Cuba, in support of the Department of State's continuing implementation of Title IV of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the "Helms Burton Act"). The Commission will maintain and update a computerized database of some 13,000 records containing specific information on all of the claims adjudicated in its Cuban Claims Program. This database enables the Commission to respond more quickly and accurately to requests for information from the State Department and the general public.

Moreover, under the War Claims Act of 1948, as amended, the Commission will have authority to award compensation to any previously uncompensated American servicemen held as prisoners of war in Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment while in captivity.

In addition, the Commission will furnish information contained in its records pertaining to the 47 completed international and war-related claims programs it has conducted, as requested by claimants, their heirs, attorneys, researchers, and other members of the public. It will also provide to other U.S. agencies technical advice on their policy determinations, participate in preliminary planning and evaluation of pending claims legislation, and coordinate with Congressional committees considering legislation for adjudication of additional types of claims.

FY 2018 Program Changes:

The budget proposal includes funds for current services for FCSC. No program changes are requested.

Foreign Claims Settlement Commission
(Dollars in Thousands)

	Foreign Claims Settlement Commission		
	Pos	FTE	Amount
2016 Appropriation	11	7	2,374
2017 Continuing Resolution	11	11	2,374
2017 Rescission - 0.1901%	0	0	5
2017 Continuing Resolution	11	11	2,369
2018 Request	11	11	2,409
Change 2018 from 2017 Continuing Resolution	0	0	40
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	0	0	40
Total Base Adjustments	0	0	40
2018 Current Services	11	11	2,409
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	11	11	2,409

Foreign Claims Settlement Commission
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Foreign Claims	11	11	2,369	11	11	2,409
Total	11	11	2,369	11	11	2,409
Reimbursable FTE	0	0	0	0	0	0
Grand Total	11	11	2,369	11	11	2,409

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Foreign Claims	0	0	0	11	11	2,409
Total	0	0	0	11	11	2,409
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	11	11	2,409



U.S. Marshals Service (USMS)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$2,695.0 million (5,573 positions; 22 attorneys; 4,134 agents)
Current Services Adjustments:	+\$30.9 million
Program Changes:	+\$77.1 million
FY 2018 Budget Request:	\$2,803.0 million (5,001 positions; 22 attorneys; 3,708 agents)
Change From FY 2017 Continuing Resolution:	+\$107.9 million (+4.0%) (-572 positions; -426 agents)

Mission:

The mission of the United States Marshals Service (USMS) is to protect, defend, and enforce the American justice system. The USMS enforces federal laws and supports virtually all elements of the federal justice system by protecting members of the judicial family; providing physical security in courthouses; apprehending fugitives and non-compliant sex offenders; transporting and producing prisoners for court proceedings; safeguarding endangered government witnesses and their families; executing federal court orders and arrest warrants; seizing assets gained by illegal means; and providing for the custody, management, and disposal of assets forfeited to federal law enforcement agencies.

Resources:

The FY 2018 budget request for USMS totals \$2,803 million, which is a 4.0% increase over the FY 2017 Continuing Resolution.

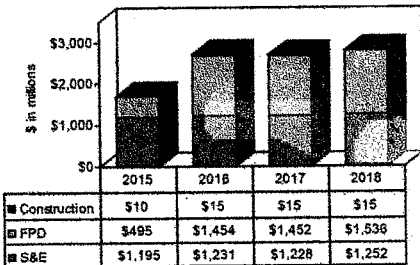
Organization:

The Director is appointed by the President and confirmed by the Senate. The USMS has over 400 offices, encompassing the 94 judicial districts and Headquarters. The USMS has 60 district-based task forces, seven Regional Fugitive Task Forces, and three foreign field offices to investigate and apprehend violent fugitives. Operational missions are coordinated and led by six divisions: Judicial Security, Investigative Operations, Witness Security, Prisoner Operations, Tactical Operations, and the Justice Prisoner and Alien Transportation System (JPATS). JPATS moves USMS detainees and BOP prisoners between judicial districts and correctional institutions via coordinated air and ground systems. The USMS also houses over 50,000 detainees each day in federal, state, local and private jails throughout the nation.

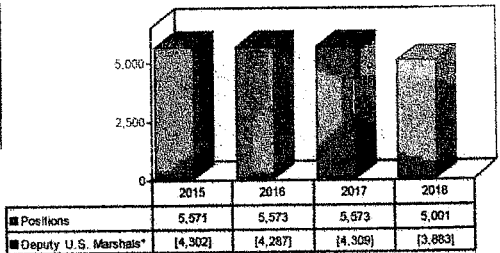
Personnel:

The USMS's direct positions for FY 2018 total 5,001 positions. The USMS FY 2018 request includes a decrease of -572 positions from the FY 2017 Continuing Resolution level of 5,573 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



* Includes reimbursable Deputy U.S. Marshals

FY 2018 Strategy:

The FY 2018 budget request provides the necessary resources to maintain USMS core functions. The USMS safeguards the federal judicial process by protecting members of the judicial family (judges, attorneys, and court personnel), providing physical security in courthouses, apprehending fugitives and non-compliant sex offenders, transporting and producing prisoners for court proceedings, protecting witnesses, executing court orders and arrest warrants, and managing and disposing of seized property. In addition, the USMS provides important technical assistance to support critical law enforcement investigations. The FY 2018 request supports these missions by maintaining funding for core activities and increasing funding in priority areas.

The FY 2018 request will enhance border security and immigration enforcement by adding personnel for the apprehension and transportation of criminal aliens. The USMS will continue to prioritize reducing violent crime and apprehending fugitives through a nationwide network of task forces and investigative resources such as criminal intelligence and electronic, air, and financial surveillance.

The FY 2018 request for Construction supports the USMS missions by allowing the USMS to renovate and secure federal courthouses and other USMS facilities. These upgrades are essential to maintain the security of federal court facilities and safety of judicial officials, courtroom participants, the public, USMS personnel, and prisoners.

The FY 2018 request for Federal Prisoner Detention funds the housing, transportation, medical care, and medical guard services for federal detainees remanded to USMS custody. The request reflects the projected costs of the detention population. The USMS will continue to target detention efficiencies, including potential improvements to the prisoner transportation system.

FY 2018 Program Changes:**Salaries & Expenses**

DUSM Life and Safety: \$12.0 million and 0 positions
Funds are requested for cyclical replacement of body armor, radios, fleet vehicles, and electronic surveillance equipment; and to support the USMS Special Operation Group's (SOG) annual selection, specialty training, mandatory recertification training, and related equipment. Funding will allow annual replacement of equipment related to Deputy U.S. Marshal life and safety, and ensure that SOG members maintain skills necessary to provide tactical support for increased officer safety and maximum efficiency when conducting high-risk operations. There are no current services for this initiative.

Immigration Enforcement Initiative: \$8.8 million and 40 positions (40 agents)

Funds are requested to enhance the Administration's efforts to improve border security and immigration enforcement. The USMS will increase the number of Deputy U.S. Marshals who apprehend and transport criminal aliens. Current services for this initiative are 1,185 positions and \$228.9 million.

Violent and Gun-Related Crime Reduction Task Force: \$6.0 million and 0 positions

Funds are requested to support the President's February 9, 2017 Executive Order "Task Force on Crime Reduction and Public Safety". The Task Force was created by the Attorney General on February 28, 2017. Requested resources will support the implementation of recommendations from the Task Force. There are no current services for this initiative.

Federal Prisoner Detention

Population Increase – Immigration Enforcement: \$50.3 million and 0 positions

Funds are requested to ensure that the USMS can fully support anticipated housing, medical, and transportation cost increases for the USMS detainee population. With enhancements to border security and immigration enforcement, the USMS anticipates an increase in the detention population. Current services for this initiative are 0 positions and \$381.3 million.

U.S. Marshals Service
(Dollars in Thousands)

	U.S. Marshals Service S&E			U.S. Marshals Service Construction			Federal Prisoner Detention			Total		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount
2016 Appropriation	5,554	4,797	1,230,581	0	0	15,000	19	16	1,454,414	5,573	4,812	2,699,995
2016 Balance Rescission	0	0	0	0	0	0	0	0	-195,974	0	0	-195,974
2016 Enacted with Rescissions	5,554	4,797	1,230,581	0	0	15,000	19	15	1,258,440	5,573	4,812	2,504,021
2017 Continuing Resolution	5,554	4,876	1,230,581	0	0	15,000	19	19	1,454,414	5,573	4,895	2,699,995
2017 Rescission - 0.1901%	0	0	-2,339	0	0	-29	0	0	-2,599	0	0	-4,967
2017 Balance Rescission	0	0	0	0	0	0	0	0	-87,215	0	0	-87,215
2017 Continuing Resolution with Rescissions	5,554	4,876	1,228,242	0	0	14,971	19	19	1,364,600	5,573	4,895	2,607,813
2018 Request	4,982	4,802	1,252,000	0	0	14,971	19	19	1,536,000	5,001	4,821	2,802,971
Change 2018 from 2017 Continuing Resolution	-572	-74	23,758	0	0	0	0	0	171,400	-572	-74	195,158
Technical Adjustments												
Restoration of Rescission	0	0	0	0	0	0	0	0	87,215	0	0	87,215
Total Technical Adjustments	0	0	0	0	0	0	0	0	87,215	0	0	87,215
Base Adjustments												
Pay & Benefits	-612	-94	3,023	0	0	0	0	0	64	-612	-94	3,087
Domestic Rent & Facilities	0	0	-7,075	0	0	0	0	0	0	0	0	-7,075
Other Adjustments	0	0	713	0	0	0	0	0	0	0	0	713
Foreign Expenses	0	0	367	0	0	0	0	0	0	0	0	367
Prison and Detention	0	0	0	0	0	0	0	0	33,772	0	0	33,772
Total Base Adjustments	-612	-94	-2,972	0	0	0	0	0	33,836	-612	-94	30,864
2018 Current Services	4,942	4,782	1,225,270	0	0	14,971	19	19	1,485,651	4,961	4,801	2,725,882
Program Changes												
Increases:												
DUSM Life and Safety	0	0	12,000	0	0	0	0	0	0	0	0	12,000
Immigration Enforcement Initiative	40	20	8,755	0	0	0	0	0	0	40	20	8,755
Violent and Gun-Related Crime Reduction Task Force	0	0	5,975	0	0	0	0	0	0	0	0	5,975
Population Increase - Immigration Enforcement	0	0	0	0	0	0	0	0	50,349	0	0	50,349
Subtotal, Program Increases	40	20	26,730	0	0	0	0	0	50,349	40	20	77,079
Decreases:												
Subtotal, Program Decreases	0	0	0	0	0	0	0	0	0	0	0	0
Total Program Changes	40	20	26,730	0	0	0	0	0	50,349	40	20	77,079
2018 Request	4,982	4,802	1,252,000	0	0	14,971	19	19	1,536,000	5,001	4,821	2,802,971

U.S. Marshals Service S&E
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Judicial and Courthouse Security	2,222	1,880	463,366	1,636	1,583	424,100
Fugitive Apprehension	1,744	1,649	421,086	1,964	1,900	469,372
Prisoner Security & Transportation	1,204	1,027	259,647	899	870	227,617
Protection of Witnesses	207	146	36,647	270	261	54,871
Tactical Operations	177	174	47,496	173	168	49,310
Total	5,554	4,876	1,228,242	4,942	4,782	1,225,270
Reimbursable FTE	0	393	0	0	405	0
Grand Total	5,554	5,269	1,228,242	4,942	5,187	1,225,270

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Judicial and Courthouse Security	14	7	4,890	1,650	1,590	428,990
Fugitive Apprehension	15	7	13,051	1,979	1,907	482,423
Prisoner Security & Transportation	7	4	2,504	906	874	230,121
Protection of Witnesses	2	1	668	272	262	55,539
Tactical Operations	2	1	5,617	175	169	54,927
Total	40	20	26,730	4,982	4,802	1,252,000
Reimbursable FTE	0	0	0	0	405	0
Grand Total	40	20	26,730	4,982	5,207	1,252,000

U.S. Marshals Service Construction
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
USMS Construction	0	0	14,971	0	0	14,971
Total	0	0	14,971	0	0	14,971
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	14,971	0	0	14,971

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
USMS Construction	0	0	0	0	0	14,971
Total	0	0	0	0	0	14,971
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	0	0	14,971

Federal Prisoner Detention
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Federal Prisoner Detention	19	19	1,451,815	19	19	1,485,651
Total	19	19	1,451,815	19	19	1,485,651
Reimbursable FTE	0	0	0	0	0	0
Balance Rescission	0	0	-87,215	0	0	0
Grand Total	19	19	1,364,600	19	19	1,485,651

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Federal Prisoner Detention	0	0	50,349	19	19	1,536,000
Total	0	0	50,349	19	19	1,536,000
Reimbursable FTE	0	0	0	0	0	0
Balance Rescission	0	0	0	0	0	0
Grand Total	0	0	50,349	19	19	1,536,000



Community Relations Service (CRS)

FY 2018 Budget Request At A Glance

FY 2017 Continuing Resolution:	\$14.4 million (74 positions; 2 attorneys)
Current Services Adjustments:	+\$0
Program Changes:	+\$0
FY 2018 Budget Request:	\$14.4 million (54 positions; 2 attorneys)
Change From FY 2017 Continuing Resolution:	+\$0 (-20 positions)

Mission:

Created by the Civil Rights Act of 1964, CRS serves as the Department's "peacemaker," dedicated to assisting state and local units of government, private and public organizations, and community groups to address community conflicts and tensions arising from differences of race, color, and national origin. CRS also helps communities develop the capacity to prevent and respond to alleged violent hate crimes on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability. CRS facilitates the development of viable mutual understandings and agreements as alternatives to coercion, violence, or litigation.

Organization:

CRS is headed by a Director, who is appointed by the President and confirmed by the Senate. CRS has 10 regional offices and 4 field offices across the United States.

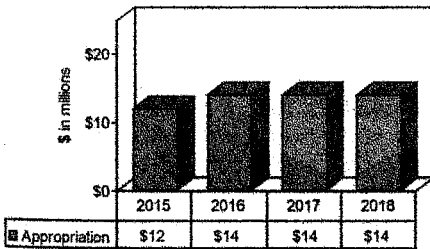
Resources:

The FY 2018 Budget request for CRS totals \$14.4 million, which is the same as 2017 Continuing Resolution.

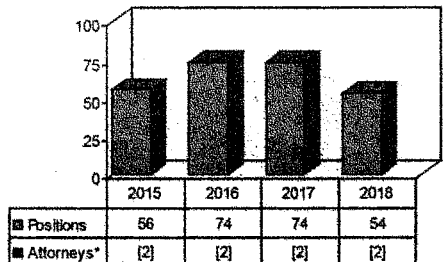
Personnel:

The CRS's direct positions for FY 2018 total 54 positions. CRS's FY 2018 request includes a decrease of -20 positions from the FY 2017 Continuing Resolution of 74 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

CRS serves as the Department's "peacemaker" for community conflicts and tensions arising from real or perceived discriminatory practices based on race, color, or national origin and helps communities prevent and respond to alleged violent hate crimes committed on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion or disability. CRS provides specialized mediation and conciliation services to state, local and federal officials and communities throughout the United States. CRS' goal is to assist in resolving and preventing racial, ethnic and national origin community conflicts, violence, and civil disorder and to help communities prevent or recover from alleged violent hate crimes.

To carry out its mission, CRS has implemented several strategies intended to effectively address the issues of discriminatory practices based on race, color, or national origin that impair the rights of people. CRS strategies also enable communities to develop the capacity to work with local government and law enforcement officials to prevent and respond more effectively to violent hate crimes. Examples of various CRS strategies and programs include: the Law Enforcement Mediation Skills Program; Anti-Racial Profiling Program; Arab-Muslim, Sikh (AMS) Cultural Awareness Program; and City-Problem Identification and Resolution of Issues Together (City-SPIRIT) Program.

CRS constantly reintroduces its services to community and local government leaders due to election turnover, term-limited positions, and a statutory mandate that prevents CRS from publicizing much of its work. Evolving community "flash points" increase the need to be knowledgeable and aware of the host of vulnerabilities that communities face. Obstacles to entry and the fluctuating nature of jurisdictional conflicts do not deter CRS from offering its services to communities in need. Through skillful conciliation and mediation, CRS' services can limit disruptions to community peace and stability. For any jurisdictional conflict, CRS stands ready to offer its conflict resolution services to communities across the United States.

FY 2018 Program Changes:

The budget proposal includes funds for current services for CRS. No program changes are requested.

Community Relations Service
(Dollars in Thousands)

	Community Relations Service		
	Pos	FTE	Amount
2016 Appropriation	74	43	14,446
2017 Continuing Resolution	74	58	14,446
2017 Rescission - 0.1901%	0	0	-27
2017 Continuing Resolution	74	58	14,419
2018 Request	54	54	14,419
Change 2018 from 2017 Continuing Resolution	-20	-4	0
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	-20	-4	-23
Domestic Rent & Facilities	0	0	23
Total Base Adjustments	-20	-4	0
2018 Current Services	54	54	14,419
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	54	54	14,419

Community Relations Service
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Conflict Resolution and Violence Prevention - Program Operations	74	58	14,419	54	54	14,419
Total	74	58	14,419	54	54	14,419
Reimbursable FTE	0	0	0	0	0	0
Grand Total	74	58	14,419	54	54	14,419

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Conflict Resolution and Violence Prevention - Program Operations	0	0	0	54	54	14,419
Total	0	0	0	54	54	14,419
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	54	54	14,419



Asset Forfeiture Program (AFP)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$20.5 million (Discretionary Authority) \$1,379.0 million (28 positions) (Indefinite Authority)
Current Services Adjustments:	+\$0 (Discretionary Authority) +\$105.4 (Indefinite Authority)
Program Changes:	+\$1.0 million (Discretionary Authority) -\$104.1 million (Indefinite Authority)
FY 2018 Budget Request:	\$21.5 million (Discretionary Authority) \$1,380.0 million (28 positions) (Indefinite Authority)
Change From FY 2017 Continuing Resolution:	+\$1.0 million (+4.9%) (Discretionary Authority) +\$1.3 million (+0.1%) million (Indefinite Authority)

Mission:

The AFP touches every federal, state, tribal, and local law enforcement agency in the country and the related cases are handled by all 94 U.S. Attorneys' Offices, and the Criminal Division. Through joint partnerships among law enforcement at all levels, the AFP mission is to use asset forfeiture consistently and strategically in order to deter, disrupt and dismantle criminal enterprises by depriving wrongdoers of the fruits and instrumentalities of criminal activity. Whenever possible, the program seeks to restore property to innocent victims of criminal fraud schemes.

Resources:

All AFP funding is provided from the proceeds of forfeitures, which are deposited into the Assets Forfeiture Fund (AFF). \$1,380.0 million is designated as mandatory and will be used to compensate victims and other innocent third parties, share resources with state and local partners, and support state and local law enforcement participation in joint federal law enforcement operations. Of the resources available to AFP, \$21.5 million is discretionary and is used for certain non-forfeiture related activities. An additional \$304 million is proposed for permanent cancellation in FY 2018.

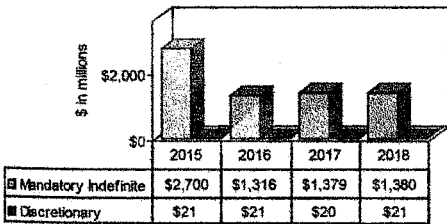
Organization:

The Asset Forfeiture Management Staff (AFMS) is located in Washington, DC, and is responsible for the administrative management and operational functions of the AFP including review and evaluation of all AFP activities, and budgeting, financial management, and contracting operations related to the fund. Participating agencies of the AFP include the Drug Enforcement Administration, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the U.S. Marshals Service, U.S. Attorneys, Criminal Division's Money Laundering and Asset Recovery Section, and several other federal law enforcement agencies. Allocation recommendations are forwarded to the Office of the Deputy Attorney General by AFMS through the Justice Management Division.

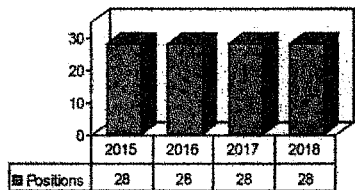
Personnel:

AFMS has 28 personnel funded through the AFP. An additional 444 government positions dedicated to forfeiture-related activities within other components are funded through the AFP.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

In FY 2018, the Department's forfeiture program will play a critical role in disrupting and dismantling illegal enterprises, depriving criminals of the proceeds of illegal activity, deterring crime, and restoring property to victims.

The AFP directly supports state and local law enforcement participation in joint federal law enforcement operations to provide a key force multiplier in targeting violent crime, including gang activities, organized crime, illegal drug activities, gun violence, and fugitive apprehensions. Annually, approximately 7,000 state and local law enforcement agencies receive AFF support to help compensate them for their joint efforts with federal task force operations. This includes reimbursement for overtime, as well as equipment, such as vehicles and protective gear to enhance officer safety and the effectiveness of these joint operations.

Whenever possible, the program seeks to restore property to innocent victims of criminal fraud schemes. Since 2000, DOJ has returned over \$4 billion in assets to victims of financial fraud and theft. Payments to help compensate victims and other innocent third parties directly correlate with forfeitures where those parties have suffered financial loss. Over the last 10 years, victims payments represent 38 percent of all AFP expenses.

The AFP faces a number of challenges, both internal and external. For example, the total value of assets seized has declined significantly in the last 10 months. This drop in regular deposits has made the Program increasingly reliant on sporadic and unpredictable revenues from large forfeiture cases to cover normal operating expenses. To put this in perspective, five large case settlements accounted for roughly 50 percent of all asset forfeiture revenue during the past five years. With this in mind, AFMS is working with partner agencies to align the Program's "core" annualized program expenses to a level that can be more fully supported by predictable "normal" case receipts. The Program is evolving towards a more agile AFF budget execution model in order to make strategic reductions, and investments, that preserve the program-sustaining forfeiture revenue into the AFF.

In recent years, the Program has focused increasing attention on building technical and operational capacity to investigate complex economic crime. The globalization of economic and financial systems, the rapidly changing nature of technology, and the growing sophistication of criminal organizations have increased the prevalence of economic crime. When foreign governments, terrorists, or well-established international criminals are involved, the investigative techniques often require specialist teams, as well as analytical tools and methods to evaluate many variations of highly complex, technical, and data-intensive crimes. The Program funds traditional infrastructure and operational needs while also investing in new techniques that expand asset forfeiture's impact.

FY 2018 Program Changes:**Asset Forfeiture Program (Permanent Indefinite Authority)**

Balances Precluded from Obligation: -\$104.1 million and 0 positions

Current FY 2018 estimates for AFP mandatory expenses are \$104.1 million below current services. Current services includes a \$105.4 million increase above FY 2017 levels due to the restoration of FY 2017 sequestration.

Asset Forfeiture Program (Discretionary Authority)

Asset Forfeiture Program: \$1.0 million and 0 positions
Resources will be used in support of investigative expenses funded through the Asset Forfeiture Program. Investigative expenses include the purchase of evidence and information related to violations of federal laws as well as the equipping of government owned vehicles, vessels, and aircraft.

Asset Forfeiture Program Obligations
(Dollars in Thousands)

	Asset Forfeiture Program (Permanent Indefinite Authority)			Asset Forfeiture Program (Discretionary Authority)			Total		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount
2016 Appropriation	28	25	1,455,243	0	0	20,514	28	25	1,475,757
2016 Sequester Cut	0	0	-139,006	0	0	0	0	0	-139,006
2016 Enacted with Rescissions	28	25	1,316,237	0	0	20,514	28	25	1,336,751
2017 Continuing Resolution	28	28	1,484,153	0	0	20,514	28	28	1,504,667
2017 Sequester Cut	0	0	-105,397	0	0	0	0	0	-105,397
2017 Rescission - 0.1901%	0	0	0	0	0	-39	0	0	-39
2017 Continuing Resolution with Rescissions	28	28	1,378,756	0	0	20,475	28	28	1,399,231
2018 Request	28	28	1,380,013	0	0	21,475	28	28	1,401,488
Change 2018 from 2017 Continuing Resolution	0	0	1,257	0	0	1,000	0	0	2,257
Technical Adjustments									
Restoration of FY2017 Sequester	0	0	105,397	0	0	0	0	0	105,397
Total Technical Adjustments	0	0	105,397	0	0	0	0	0	105,397
Base Adjustments									
Total Base Adjustments	0	0	0	0	0	0	0	0	0
2018 Current Services	28	28	1,484,153	0	0	20,475	28	28	1,504,628
Program Changes									
Increases:									
Asset Forfeiture Program	0	0	0	0	0	1,000	0	0	1,000
Subtotal, Program Increases	0	0	0	0	0	1,000	0	0	1,000
Decreases:									
Balances Precluded from Obligation	0	0	-104,140	0	0	0	0	0	-104,140
Subtotal, Program Decreases	0	0	-104,140	0	0	0	0	0	-104,140
Total Program Changes	0	0	-104,140	0	0	1,000	0	0	-103,140
2018 Request	28	28	1,380,013	0	0	21,475	28	28	1,401,488

Asset Forfeiture Program Obligations
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
AFF - Permanent, Indefinite Authority	28	28	1,378,756	28	28	1,484,153
AFF - Appropriated, Definite Authority	0	0	20,475	0	0	20,475
Total	28	28	1,399,231	28	28	1,504,628
Grand Total	28	28	1,399,231	28	28	1,504,628

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
AFF - Permanent, Indefinite Authority	0	0	-104,140	28	28	1,380,013
AFF - Appropriated, Definite Authority	0	0	1,000	0	0	21,475
Total	0	0	-103,140	28	28	1,380,013
Grand Total	0	0	-103,140	28	28	1,401,488



Interagency Crime & Drug Enforcement (ICDE)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$511.0 million (2,935 positions; 573 attorneys; 1,366 agents)
Current Services Adjustments:	+\$9.2 million
Program Changes:	+\$5.8 million
FY 2018 Budget Request:	\$526.0 million (2,870 positions; 573 attorneys; 1,366 agents)
Change From FY 2017 Continuing Resolution:	+\$15.0 million (+2.9%) (-65 positions)

Mission:

The Interagency Crime and Drug Enforcement (ICDE) appropriation funds the Organized Crime and Drug Enforcement Task Forces (OCDETF) Program. The mission of OCDETF is to reduce the supply of illegal drugs in the United States and diminish the violence associated with the drug trade by dismantling and disrupting the most significant criminal organizations that traffic drugs and the financial infrastructure that supports them. OCDETF attacks the highest levels of organized crime, namely the transnational, national, and regional criminal organizations most responsible for the illegal drug supply in the United States and the diversion of licit drugs. Additionally, in support of the Attorney General's Organized Crime Council (AGOCC), OCDETF similarly facilitates the disruption and dismantlement of Priority Transnational Organized Crime (PTOC) organizations engaged in polycrime activities which most impact the nation's security.

Resources:

The FY 2018 budget request for ICDE totals \$526.0 million, which is a 2.9% increase over the FY 2017 Continuing Resolution.

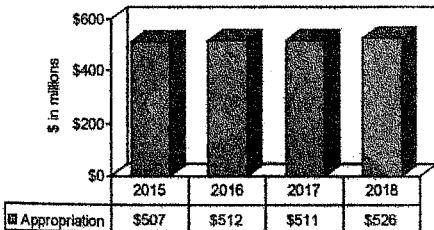
Organization:

The OCDETF Program is the centerpiece of the Department's counterdrug efforts. It operates nationwide and coordinates the drug enforcement efforts of ATF, the U.S. Coast Guard, DEA, FBI, Immigration and Customs Enforcement, USMS, Internal Revenue Service, the 94 United States Attorneys' Offices, the Criminal Division, and other federal, state, local, tribal, and international law enforcement agencies. The Program is organized into nine regions, each with its own Advisory Council and its own Coordination Group. These groups set the policies and priorities for their regions and conduct the final review of cases that have been proposed for OCDETF designation. At the district level, there is a District Coordination Group which reviews cases proposed for OCDETF designation, ensures appropriate allocation of resources, and monitors case progress at the local level.

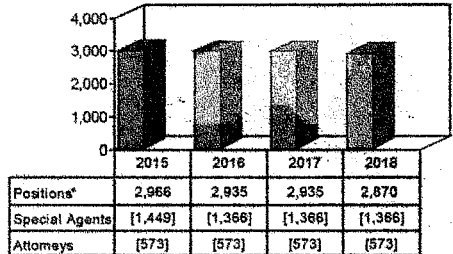
Personnel:

The ICDE's direct positions for FY 2018 total 2,870 positions. ICDE's FY 2018 request includes a decrease of -65 positions from the FY 2017 Continuing Resolution of 2,935 direct positions.

Funding (FY 2015 - 2018)



Personnel FY (2015- 2018)



*Includes direct and reimbursable positions

FY 2018 Strategy:

To fulfill its mission, the OCDETF program has identified a number of strategies to reduce the supply of illegal drugs in the United States.

Identify, disrupt, and dismantle Consolidated Priority Organization Targets (CPOTs): The OCDETF Program oversees the Attorney General's CPOT list. The CPOT list is comprised of the "Most Wanted" leaders of the drug trafficking and money laundering organizations believed to be primarily responsible for the nation's supply of illegal drugs. These targets are proposed by OCDETF's participating agencies, using their combined available intelligence.

Disrupt and dismantle Regional Priority Organization Targets (RPOTs): To succeed, OCDETF must identify the major organizations that operate at each and every level of the drug distribution chain, throughout the United States. Each of OCDETF's nine regions designates those drug trafficking and money laundering organizations within the region having the greatest impact upon the region's supply of illegal drugs.

Attack the financial infrastructure of drug organizations: In order to fully and completely dismantle a drug organization, law enforcement must destroy the organization's access to financial resources, thereby eliminating the organization's ability to reconstitute itself. The linchpin in this approach is a coordinated attack that uses the asset forfeiture laws to deprive targets of their illegally acquired profits no matter where those profits have been hidden.

Enhance law enforcement's ability to analyze data through the OCDETF Fusion Center: The OCDETF Fusion Center (OFC) is a comprehensive data center containing all drug and related financial intelligence information from the seven OCDETF-member investigative agencies, the Financial Crimes Enforcement Network, and others. The OFC analyzes drug and related financial data, creates comprehensive intelligence pictures of targeted organizations – including those identified as CPOTs and RPOTs – and passes actionable leads through the multi-agency Special Operations Division (SOD) to OCDETF participants in the field. The OFC produces both tactical and strategic intelligence products for use in the field, drawing from law enforcement and intelligence data that has not been widely shared historically.

The Administration's Transnational Organized Crime (TOC) Strategy recognizes the OCDETF Program as an integral partner with the TOC Program. The TOC Strategy explicitly considers transnational organized crime a significant threat that is increasingly intertwined with high-level drug trafficking and terrorist groups. In partnership with the OFC and SOD, the AGOCC established the International Organized Crime Intelligence and Operations Center (IOC-2) on May 29, 2009. The IOC-2 is a multi-agency intelligence center whose mission is to significantly disrupt and dismantle those international criminal organizations posing the greatest threat to the United States.

FY 2018 Program Changes:

Violent Crime, the Opioid Epidemic, and Transnational Organized Crime: \$5.8 million and 0 positions

OCDETF will address priorities of the Administration, which include Transnational Organized Crime, the national opioid epidemic, and violent crime affecting our communities across the nation. OCDETF seeks funding to support operations expenses for investigators and prosecutors working on OCDETF cases that target priority TOC, OCDETF's heroin response strategy, and the short-term deployment of Federal law enforcement personnel to address violent crime. Current services for this initiative are 0 positions and \$1.6 million.

Interagency Crime & Drug Enforcement
(Dollars in Thousands)

	Interagency Crime & Drug Enforcement		
	Pos	FTE	Amount
2016 Appropriation	[2,935]	[2,878]	512,000
2017 Continuing Resolution	[2,935]	[2,882]	512,000
2017 Rescission - 0.1901%	0	0	-973
2017 Continuing Resolution	[2,935]	[2,882]	511,027
2018 Request	[2,970]	[2,870]	526,000
Change 2018 from 2017 Continuing Resolution	-65	-12	14,973
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	[-65]	[-12]	9,020
Domestic Rent & Facilities	0	0	192
Total Base Adjustments	[-65]	[-12]	9,212
2018 Current Services	[2,970]	[2,870]	520,239
Program Changes			
Increases:			
Violent Crime, the Opioid Epidemic, and Transnational Organized Crime	0	0	5,761
Subtotal, Program Increases	0	0	5,761
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	5,761
2018 Request	[2,870]	[2,870]	526,000

Interagency Crime & Drug Enforcement
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Investigations	1,885	1,884	355,919	1,820	1,820	359,342
Prosecutions	1,050	998	155,108	1,050	1,050	160,897
Total	2,935	2,882	511,027	2,870	2,870	520,239
Grand Total	2,935	2,882	511,027	2,870	2,870	520,239

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Investigations	0	0	5,343	1,820	1,820	364,686
Prosecutions	0	0	418	1,050	1,050	161,315
Total	0	0	5,761	2,870	2,870	526,000
Grand Total	0	0	5,761	2,870	2,870	526,000



Federal Bureau of Investigation (FBI)

FY 2018 Budget Request At A Glance

FY 2017 Continuing Resolution:	\$8,473.8 million S&E (35,158 pos; 238 atty; 13,084 agt) \$308.4 million Construction
Current Services Adjustments:	+\$131.2 million S&E -\$240.0 million Construction
Program Changes:	+\$117.6 million S&E -\$16.5 million Construction
FY 2018 Budget Request:	\$8,722.6 million S&E (33,533 pos; 220 atty; 12,484 agt) \$51.9 million Construction
Change From FY 2017 Continuing Resolution:	+248.8 million S&E (+2.9%) (-1,625 pos; -16 atty; -600 agt) -\$256.5 million Construction (-83.2%)

Mission:

The mission of the FBI is to protect the American People and uphold the Constitution of the United States. The FBI's mission priorities are to:

- Protect the US from terrorist attack
- Protect the US against foreign intelligence operations and espionage
- Protect the US against cyber-based attacks and high-technology crimes
- Combat public corruption at all levels
- Protect civil rights
- Combat domestic and transnational criminal organizations and enterprises
- Combat major white-collar crime
- Combat significant violent crime

Resources:

The FY 2018 budget request for FBI totals \$8,774 million, which is a 0.1% decrease from the FY 2017 Continuing Resolution.

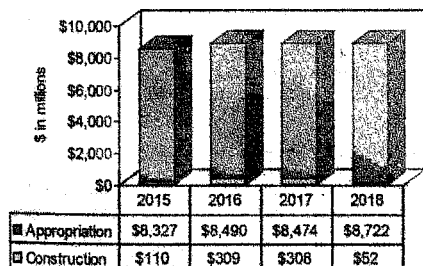
Organization:

The FBI is headed by a Director, who is appointed by the President and confirmed by the Senate. FBI Headquarters, located in Washington, DC, provides centralized operational, policy, and administrative support to FBI investigations. The FBI operates 56 field offices in major U.S. cities and 355 resident agencies (RAs) throughout the country. RAs are satellite offices that allow the FBI to maintain a presence in and serve local communities. The FBI also operates over 60 Legal Attaché (Legat) offices and over 20 sub-offices in 70 foreign countries around the world. Additionally, there are several specialized facilities and analytical centers within the FBI that are located across the country, such as the Criminal Justice Information Services Division in Clarksburg, WV; the Terrorist Explosive Device Analytical Center and Hazardous Devices School in Huntsville, AL; and the FBI Academy and Laboratory at Quantico, VA.

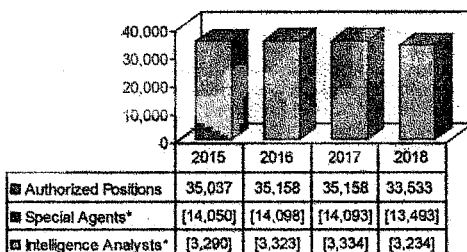
Personnel:

The FBI's direct positions for FY 2018 total 33,533 positions. The FBI's FY 2018 request includes a decrease of -1,625 positions from the FY 2017 Continuing Resolution of 35,158 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



* Includes Reimbursable Positions

FY 2018 Strategy:

The foundation of the FBI's strategy is supported by the FBI's mission, vision, and strategic objectives. At the heart of the FBI's strategy is the vision statement: Ahead of the threat through leadership, agility, and integration. The FBI aims to be ahead of the threat in two different ways. First, the FBI's goal is to continuously evolve to anticipate and mitigate existing threats. Second, the FBI needs to be able to recognize and address threats that it has not yet seen.

The mission of the FBI is to protect the American People and uphold the Constitution of the United States. The FBI has identified eight priorities to focus efforts and accomplish the mission. In addition, the FBI uses a threat prioritization process to maximize its effect in these areas and ensure that all threat issues are considered.

The FBI must also structure the organization to be as effective as possible by identifying and closing strategic gaps. To close strategic gaps, the FBI has 11 enterprise objectives, organized thematically into four pillars: capability, technology, talent, and stewardship. Each represents a broad area of focus for the entire FBI and an overarching strategy to accomplish FBI's mission. The 11 strategic objective focus areas are as follows:

Focus on Leadership in Every Aspect of the FBI;
 Incorporate Intelligence in All We Do;
 Enhance Cyber Capabilities;
 Improve Organizational Agility;
 Strengthen Partnerships;
 Improve Information Technology;
 Deploy Innovative Solutions;
 Promote a Culture of Accountability and Transparency;
 Transform Recruitment and Hiring;
 Improve Workforce Development; and,
 Improve Stewardship of Resources.

The FBI's success depends on monitoring and improving its ability to meet these objectives. The FBI conducts headquarters level Quarterly Strategy Reviews to discuss FBI's progress on its objectives, and Project Management Reviews to track particular projects that support the strategy. These reviews are conducted both at an enterprise level with the Director and in each division. In the field, the strategy is cascaded through the Integrated Program Management Process, which tracks the FBI's execution of its mission. Headquarters operational programs evaluate the threat landscape and develop mitigation strategies. Field offices then evaluate the threat in their areas and create a strategy to address it throughout the year. These strategies undergo mid-year and end-of-year assessments; both Headquarters and the field are held to measures to track their performance.

By understanding the threat-based landscape and identifying critical enterprise-wide capabilities needed to perform its mission, the FBI's budget strategy and requests are designed to enable the FBI to address the current and future range of national security threats and crime problems.

FY 2018 Program Changes:

Salaries and Expenses

Cyber: \$41.5 million and 36 positions (20 agents)

The requested funding will enhance the FBI's cyber efforts, which remain a top priority for the Department. The FBI will improve technical tools, support the FBI's cyber program, and expand high-speed networks. This will support the FBI's mission to defeat cyber intrusion threats through a unique combination of law enforcement and national security authorities. Current services for this initiative are 1,651 positions (881 agents) and \$328.3 million

Foreign Intelligence and Insider Threat: \$19.7 million and 93 positions (50 agents)

This funding will address threats posed by foreign intelligence and insiders. Current services for this initiative are 4,873 positions (1,932 agents) and \$749.0 million.

Going Dark/Investigative Technology: \$21.6 million and 80 positions (20 agents)

These resources will counter the threat of Going Dark, which includes the inability to access data because of challenges related to encryption, mobility, and other communications device challenges. Current services for this initiative are 252 positions (26 agents) and \$195.4 million.

Transnational Organized Crime: \$6.8 million and 65 positions (40 agents)

This requested funding will support ongoing Transnational Organized Crime (TOC) investigations of the highest-level TOC actors, both domestically and internationally. Current services for this initiative are 1,110 positions (640 agents) and \$192.9 million.

Physical Surveillance: \$8.2 million and 78 positions

This funding will support surveillance operations for additional FBI high priority targets. Current services for this initiative are 1,386 positions (6 agents) and \$189.0 million.

Biometric Technology Center (BTC) O&M: \$7.4 million and 0 positions

This request supports the Operations and Maintenance (O&M) requirements of the FBI's BTC. All FBI and DOD personnel are expected to move in by the end of calendar year 2017. There are no current services for this requirement.

Violent and Gun-Related Crime Reduction Task Force: \$3.4 million and 33 positions (20 agents)

FBI requests \$3.45 million to support the President's February 9, 2017 Executive Order "Task Force on Crime Reduction and Public Safety". The Task Force was created by the Attorney General on February 28, 2017. Requested resources will support the implementation of recommendations from the Task Force. Current services for this initiative are 2,903 positions (1,769 agents) and \$495.8 million.

National Instant Criminal Background Check System (NICS): \$8.9 million and 85 positions

The request will enable the FBI to maintain efforts addressing high volumes of firearms background checks. Current services for this initiative are 591 positions (0 agent) and \$70.3 million.

Cancellation of CJIS Surcharge Fee Balances: -\$195.0 million and 0 positions

This reduction is from the automation funding portion of the fees collected for fingerprint-based criminal history record information checks.

Construction

Program Offset Secure Work Environment: -\$16.5 million and 0 positions

The construction request includes a \$16.5 million reduction for the Secure Work Environment (SWE) requirements. The SWE Program will focus its resources on priority field and Legat locations.

Federal Bureau of Investigation
(Dollars in Thousands)

	FBI Salaries and Expenses			FBI Construction			Total		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount
2016 Appropriation	35,158	32,645	8,489,786	0	0	308,982	35,158	32,645	8,798,768
2016 CJIS Excess Fee Balance Rescission	0	0	-80,767	0	0	0	0	0	-80,767
2016 Enacted with Rescissions	35,158	32,645	8,409,019	0	0	308,982	35,158	32,645	8,718,001
2017 Continuing Resolution	35,158	33,372	8,489,786	0	0	308,982	35,158	33,372	8,798,768
2017 Rescission - 0.1901%	0	0	-15,986	0	0	-587	0	0	-16,573
2017 Balance Rescission - CJIS	0	0	-80,767	0	0	0	0	0	-80,767
2017 Continuing Resolution with Rescissions	35,158	33,372	8,393,033	0	0	308,395	35,158	33,372	8,701,428
2018 Request	33,533	31,999	8,722,582	0	0	51,895	33,533	31,999	8,774,477
Change 2018 from 2017 Continuing Resolution	-1,625	-1,373	329,549	0	0	-256,500	-1,625	-1,373	73,049
Technical Adjustments									
Restoration of Rescission - FBI S&E	0	0	80,767	0	0	0	0	0	80,767
Total Technical Adjustments	0	0	80,767	0	0	0	0	0	80,767
Base Adjustments									
Pay & Benefits	-2,095	-1,843	66,916	0	0	0	-2,095	-1,843	66,916
Domestic Rent & Facilities	0	0	61,785	0	0	0	0	0	61,785
Other Adjustments	0	0	4,545	0	0	0	0	0	4,545
Foreign Expenses	0	0	-2,047	0	0	0	0	0	-2,047
Non-Personnel Related Annualizations	0	0	0	0	0	-240,000	0	0	-240,000
Total Base Adjustments	-2,095	-1,843	131,199	0	0	-240,000	-2,095	-1,843	-108,801
2018 Current Services	33,063	31,529	8,604,999	0	0	68,395	33,063	31,529	8,673,394
Program Changes									
Increases:									
Cyber	36	36	41,474	0	0	0	36	36	41,474
Foreign Intelligence and Insider Threat	93	93	19,727	0	0	0	93	93	19,727
Going Dark/Investigative Technology	80	80	21,636	0	0	0	80	80	21,636
Transnational Organized Crime	65	65	6,779	0	0	0	65	65	6,779
Physical Surveillance	78	78	8,242	0	0	0	78	78	8,242
Biometric Technology Center (BTC) O&M	0	0	7,375	0	0	0	0	0	7,375
Violent and Gun-Related Crime Reduction Task Force	33	33	3,450	0	0	0	33	33	3,450
National Instant Criminal Background Check System (NICS)	85	85	8,900	0	0	0	85	85	8,900
Subtotal, Program Increases	470	470	117,583	0	0	0	470	470	117,583
Decreases:									
Program Offset - Secure Work Environment	0	0	0	0	0	-16,500	0	0	-16,500
Subtotal, Program Decreases	0	0	0	0	0	-16,500	0	0	-16,500
Total Program Changes	470	470	117,583	0	0	-16,500	470	470	101,083
2018 Request	33,533	31,999	8,722,582	0	0	51,895	33,533	31,999	8,774,477
Cancellation of CJIS Surcharge Fee Balances	0	0	-195,000	0	0	0	0	0	-195,000
2018 Request with Rescission	33,533	31,999	8,527,582	0	0	51,895	33,533	31,999	8,579,477
Change 2018 from 2017 Continuing Resolution with Rescissions	-1,625	-1,373	134,549	0	0	-256,500	-1,625	-1,373	-121,931

FBI Salaries and Expenses
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Intelligence	6,792	6,401	1,617,030	6,379	6,041	1,648,445
Counterterrorism/Counterintelligence	13,620	12,889	3,435,899	12,745	12,114	3,483,116
Criminal Enterprises/Federal Crimes	12,509	11,960	2,928,148	11,895	11,427	2,979,059
Criminal Justice Services	2,237	2,122	492,723	2,044	1,947	494,379
Total	35,158	33,372	8,473,800	33,063	31,529	8,604,999
Reimbursable FTE	0	3,054	0	0	3,054	0
Balance Rescission	0	0	-80,767	0	0	0
Grand Total	35,158	36,426	8,393,033	33,063	34,583	8,604,999

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Intelligence	63	63	10,199	6,442	6,104	1,658,644
Counterterrorism/Counterintelligence	208	208	60,855	12,953	12,322	3,543,971
Criminal Enterprises/Federal Crimes	114	114	29,055	12,009	11,541	3,008,114
Criminal Justice Services	85	85	17,473	2,129	2,032	511,852
Total	470	470	117,582	33,533	31,999	8,722,581
Reimbursable FTE	0	0	0	0	3,054	0
Balance Rescission	0	0	-195,000	0	0	-195,000
Grand Total	470	470	-77,418	33,533	35,053	8,527,581

FBI Construction
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
FBI Construction	0	0	308,395	0	0	68,395
Total	0	0	308,395	0	0	68,395
Grand Total	0	0	308,395	0	0	68,395

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
FBI Construction	0	0	-16,500	0	0	51,895
Total	0	0	-16,500	0	0	51,895
Grand Total	0	0	-16,500	0	0	51,895



Drug Enforcement Administration (DEA)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$2,087.0 million (8,302 positions; 99 attorneys; 4,033 agents)
Current Services Adjustments:	+\$56.1 million
Program Changes:	+\$21.0 million
FY 2018 Budget Request:	\$2,164.1 million (6,952 positions; 84 attorneys; 3,494 agents)
Change From FY 2017 Continuing Resolution:	+\$77.0 million (+3.7%) (-1,350 positions; -15 attorneys, -539 agents)

Mission:

DEA's mission is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

Resources:

The FY 2018 budget request for DEA totals \$2,164 million, which is a 3.7% increase over the FY 2017 Continuing Resolution.

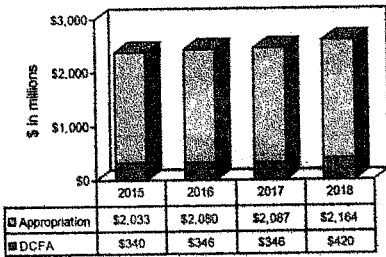
Organization:

DEA is headed by an Administrator and Deputy Administrator who are both appointed by the President with the advice and consent of the Senate. DEA operates 221 Domestic Offices, organized into 21 Domestic Field Divisions. DEA also operates 90 foreign offices in 69 countries.

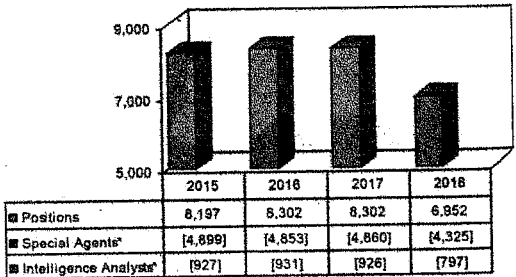
Personnel:

The DEA's direct positions for FY 2018 total 6,952 positions. DEA's FY 2018 request includes a decrease of -1,350 positions from the FY 2017 Continuing Resolution of 8,302 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



Includes Direct and Reimbursable SAs and IAs funded from S&E. Previous submissions included DCFA totals as well.

FY 2018 Strategy:

Over the past 10 years, the drug landscape has shifted, with United States now facing an opioid epidemic driven by the non-medical use of controlled prescription drugs, illicit fentanyl, and heroin. Drug overdoses are the leading cause of injury-related death in the United States, eclipsing deaths from motor vehicle crashes or firearms. There were more than 52,000 overdose deaths in CY 2015, approximately 144 per day, more than half of which involved a prescription opioid or heroin.

DEA recognizes law enforcement action alone is not enough and has rolled out its 360 Strategy in response to the crisis. This initiative involves coordinated law enforcement, diversion control, and community outreach efforts to tackle the cycle of violence and addiction generated by the link between drug cartels, violent gangs, and the growing problem of prescription opioid and heroin abuse.

DEA combats the Transnational Criminal Organizations (TCOs) that supply drugs, control distribution networks, launder drug profits, and fuel violent crime inside the United States. This includes the Consolidated Organizational Priority Targets (CPOTs) identified by DOJ, plus other Priority Target Organizations (PTOs) identified by DEA. DEA places special emphasis on Mexican criminal organizations because they control the smuggling of drugs along our Southwest Border. Out of the 37 current CPOTs, 24 are Mexican.

DEA has the largest foreign presence of any US federal law enforcement agency with nearly 800 personnel assigned to 90 offices in 69 countries. Assigned personnel collaborate daily with host nations and federal law enforcement counterparts while conducting investigations, offering training seminars, and sharing valuable intelligence.

Intelligence sharing, de-confliction, and cooperation between federal, state, and local law enforcement and DEA's Special Operations Division (SOD) is the backbone of DEA's coordination efforts, supporting multi-jurisdiction, multi-nation, and multi-agency wire intercept investigations that attack the command-and-control communications of drug trafficking organizations. DEA also works closely with State and local partners in carrying out its mission. Task forces act as an extension of DEA's traditional enforcement groups, targeting high level TCOs and the gangs linked to them who perpetrate violence in our communities. In FY 2016, over 2,500 state and local task force officers (TFOs) participated in 279 DEA-led task forces.

DEA's Diversion Control Division (DC) is tasked with preventing, detecting, and investigating the diversion of controlled substances and listed chemicals. Through the DC, DEA regulates more than 1.6 million registrants who handle, dispense, or prescribe controlled substances or listed chemicals. The number of registrants grows at an average rate of nearly three percent per year. DEA's Tactical Diversion Squads (TDS) are dedicated to investigating, disrupting, and dismantling individuals and organizations involved in drug diversion schemes. They combine the expertise of diversion investigators, special agents, and task force officers from various state and local law enforcement and regulatory agencies. DEA had 77 fully operational TDS groups throughout the US at the end of FY 2016.

FY 2018 Program Changes:

SALARIES AND EXPENSES

Heroin Enforcement: \$8.5 million and 0 positions

Resources will be used in support of coordinated Law Enforcement actions that aim to sever the ties between cartels and the violent gangs which supply deadly opioids to our communities. Requested funding would provide support to expand DEA's 360 Strategy and would provide additional operational funding for DEA enforcement groups focused on targeting the heroin epidemic. Between 2010 and 2016, DEA has opened more than 12,900 investigations related to heroin. As a result of these aggressive enforcement efforts, the amount of heroin seized in the United States has increased by more than 100 percent between 2010 and 2016.

Transnational Organized Crime: \$6.5 million and 0 positions

Resources for investigative activities focusing on the TCOs that are responsible for large quantities of drugs such as heroin to arriving in U.S. cities. DEA will enhance Sensitive Investigative Units (SIU) in key overseas locations to target TCOs and would expand the foreign intercept program. FY 2018 current services for the SIU program are \$20.6 million.

Violent and Gun-Related Crime Reduction Task Force: \$6.0 million and 0 positions

DEA requests \$6.0 million to support the President's February 9, 2017 Executive Order "Task Force on Crime Reduction and Public Safety". The Task Force was created by the Attorney General on February 28, 2017. Requested resources will support the implementation of recommendations from the Task Force.

DIVERSION CONTROL FEE ACCOUNT (DCFA)

Diversion Investigators and Tactical Diversion Squads: \$9.4 million and 0 positions

Resources will support the disruption and dismantlement of the individuals and organizations responsible for the illicit manufacture and distribution of pharmaceutical controlled substances in violation of the Controlled Substances Act (CSA) and would provide support for outreach to the growing registrant population. FY 2018 current services for this program are 1,597 positions and \$388 million.

Opioid Enhancement: Training, Enforcement, and Drug Disposal: \$20.0 million and 0 positions

Resources will be used in support of actions against individuals and organizations operating outside the law. Additionally, long-term education and training engagements with pharmaceutical drug manufacturers, wholesalers, pharmacies, and practitioners will be conducted and additional support for prescription drug take back events would be provided.

SAUSA Pilot Program: \$2.5 million and 0 positions

Funds for this initiative will initiate a pilot program that would hire and pay Special Assistant United States Attorneys (SAUSA) in "hot spots" around the country to provide prosecutorial support to federal criminal and civil diversion investigations. The requested resources would ensure that criminal and related civil cases associated with the Diversion Control Fee Account (DCFA) are prosecuted in a timely manner.

Drug Enforcement Administration
(Dollars in Thousands)

	Drug Enforcement Administration - S&E			DEA-Diversion Control Fee			Total		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount
2016 Appropriation	8,302	6,467	2,080,000	[1,497]	1,343	371,614	8,302	7,810	2,451,514
2016 Sequester Cut	0	0	0	0	0	-25,024	0	0	-25,024
2016 Enacted with Rescissions	8,302	6,467	2,080,000	[1,497]	1,343	346,490	8,302	7,810	2,426,480
2017 Continuing Resolution	8,302	6,587	2,081,000	[1,597]	1,456	373,788	8,302	8,043	2,464,788
2017 Rescission - 0.1901%	0	0	-3,975	0	0	0	0	0	-3,975
2017 Sequester Cut	0	0	0	0	0	-27,452	0	0	-27,452
2017 Continuing Resolution with Rescissions	8,302	6,587	2,087,025	[1,597]	1,456	346,336	8,302	8,043	2,433,381
2018 Request	6,952	6,587	2,164,051	[1,652]	1,495	419,574	6,952	6,082	2,583,625
Change 2018 from 2017 Continuing Resolution	-1,350	0	77,026	55	39	73,238	-1,295	39	150,284
Technical Adjustments									
Technical Adjustment - COPS Transfer	0	0	-10,979	0	0	0	0	0	-10,979
Restoration of 2017 Sequester	0	0	0	0	0	27,452	0	0	27,452
Total Technical Adjustments	0	0	-10,979	0	0	27,452	0	0	16,473
Base Adjustments									
Pay & Benefits	-1,350	0	27,688	0	0	5,593	-1,350	0	33,281
Domestic Rent & Facilities	0	0	46,537	0	0	8,108	0	0	54,645
Other Adjustments	0	0	2,728	0	0	355	0	0	3,083
Foreign Expenses	0	0	-9,893	0	0	-136	0	0	-10,029
Total Base Adjustments	-1,350	0	67,040	0	0	13,920	-1,350	0	80,960
2018 Current Services	6,952	6,587	2,143,086	[1,597]	1,495	387,708	6,952	6,043	2,530,784
Program Changes									
Increases:									
Heroin Enforcement	0	0	8,500	0	0	0	0	0	8,500
Transnational Organized Crime	0	0	6,500	0	0	0	0	0	6,500
Violent and Gun-Related Crime Reduction Task Force	0	0	5,965	0	0	0	0	0	5,965
Diversion Investigators and Tactical Diversion Squads	0	0	0	[55]	29	9,414	[55]	29	9,414
Opioid Enhancement: Training, Enforcement, and Drug Disposal	0	0	0	0	0	20,000	0	0	20,000
SAUSA Pilot Program	0	0	0	0	10	2,452	0	10	2,452
Subtotal, Program Increases	0	0	20,965	[55]	39	31,866	[55]	39	52,831
Decreases:									
Subtotal, Program Decreases	0	0	0	0	0	0	0	0	0
Total Program Changes	0	0	20,965	[55]	39	31,866	[55]	39	52,831
2018 Request	6,952	6,587	2,164,051	[1,652]	1,495	419,574	6,952	6,082	2,583,625

Drug Enforcement Administration - S&E
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
International Enforcement	1,074	934	464,066	929	934	531,079
Domestic Enforcement	7,202	5,631	1,608,444	5,997	5,631	1,608,392
State and Local Assistance	26	22	14,515	26	22	3,615
Total	8,302	6,587	2,087,025	6,952	6,587	2,143,086
Reimbursable FTE	0	1,127	0	0	1,127	0
Grand Total	8,302	7,714	2,087,025	6,952	7,714	2,143,086

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
International Enforcement	0	0	6,500	929	934	537,579
Domestic Enforcement	0	0	14,485	5,997	5,631	1,622,857
State and Local Assistance	0	0	0	26	22	3,615
Total	0	0	20,985	6,952	6,587	2,164,051
Reimbursable FTE	0	0	0	0	1,127	0
Grand Total	0	0	20,985	6,952	7,714	2,164,051

DEA-Diversion Control Fee
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
DEA - Diversion Control	1,597	1,456	346,336	1,597	1,456	387,708
Total	1,597	1,456	346,336	1,597	1,456	387,708

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
DEA - Diversion Control	55	39	31,866	1,652	1,495	419,574
Total	55	39	31,866	1,652	1,495	419,574



Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$1,237.6 million (5,101 positions; 81 attorneys; 2,485 agents)
Current Services Adjustments:	+\$22.1 million
Program Changes:	+\$14.0 million
FY 2018 Budget Request:	\$1,273.8 million (5,059 positions; 80 attorneys; 2,465 agents)
Change From FY 2017 Continuing Resolution:	+\$36.1 million (+2.9%) (-42 positions; -1 attorney; -20 agents)

Mission:

ATF protects our communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products. ATF partners with communities, industries, law enforcement, and public safety agencies to safeguard the public through information sharing, training, research and use of technology.

Organization:

The ATF Director is appointed by the President and confirmed by the Senate. ATF operates a total of 25 Domestic Field Divisions and maintains a presence in 13 international offices in 8 countries.

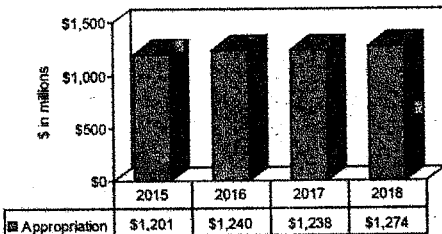
Resources:

The FY 2018 budget request for ATF totals \$1,274 million, which is a 2.9% increase over the FY 2017 Continuing Resolution.

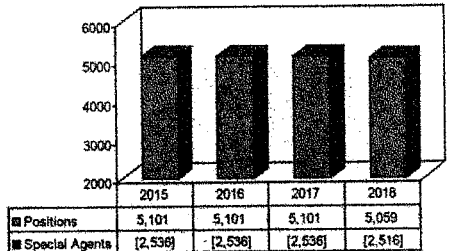
Personnel:

The ATF's direct positions for FY 2018 total 5,059 positions. ATF's FY 2018 request includes a decrease of -42 positions from the FY 2017 Continuing Resolution of 5,101 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



*Includes reimbursable Special Agents

FY 2018 Strategy:

In line with the President's Executive Orders on crime reduction, preventing violence against law enforcement, and enforcing federal law regarding transnational criminal organizations, the ATF Frontline Strategy ensures that Bureau resources are devoted to the most serious offenses and the most dangerous criminals. ATF's strategy includes comprehensive, intelligence-driven assessments in each of ATF's field divisions that define the significant violent crime problem(s) within each field division's area of responsibility, and proposes a plan of action to mitigate or eliminate these threats. The consolidated assessments define national priorities and guide resource decisions. The external component of Frontline is the Violent Crime Reduction Partnership – collaboration between ATF and its federal, state and local partners to effectively prioritize and maximize impact on violent crime.

ATF operates a variety of programs to address firearms violence, arson and explosives related crime, and tobacco and alcohol diversion activities. ATF's illegal firearms trafficking enforcement efforts focus on reducing violent crime by stemming the flow of firearms to violent criminals. ATF identifies, investigates and arrests individuals and organizations that illegally supply firearms to prohibited individuals. Also, ATF partners with other federal, state and local law enforcement agencies to target and dismantle the "worst of the worst" violent criminal organizations, including transnational criminal organizations.

The illegal trafficking of firearms, domestically and overseas, remains a high priority for ATF and, therefore, ATF continues to operate enforcement groups to address firearms trafficking and violent crime along every U.S. border. ATF focuses on collaborative efforts with its Federal, State and local law enforcement partners to combat violent firearms crime and disrupt and dismantle street gangs with ties to transnational criminal organizations.

ATF has a long history of investigating fires and criminal bombings and maintains the experience and expertise to detect, prevent, protect against, and respond to, acts of arson and bombings. ATF's combination of Certified Fire Investigators, accelerant detection canines, National Response Team, forensic auditors, and the Fire Research Laboratory provides a comprehensive approach for investigating arson crimes. ATF also manages the U.S. Bomb Data Center, participates in Joint Terrorism Task Forces and supports the Terrorist Explosive Device Analytical Center. ATF's National Center for Explosives Training and Research (NCETR) consolidated ATF's explosives expertise, training and research at Redstone Arsenal, AL. The NCETR develops and enhances technical knowledge and partnerships across federal, state and local law enforcement and public safety agencies.

The FY 2018 request enhances public safety by focusing efforts to reduce violent crime in America's most vulnerable cities, through the Crime Reduction Task Force. It also requests additional funding for expediting NFA applications for law-abiding citizens and strengthening the National Integrated Ballistics Information Network.

FY 2018 Program Changes:**Violent and Gun-Related Crime Reduction Task Force: \$3.5 million and 0 positions**

ATF requests \$3.5 million to support the President's February 9, 2017 Executive Order "Task Force on Crime Reduction and Public Safety". The Task Force was created by the Attorney General on February 28, 2017. Requested resources will support the implementation of recommendations from the Task Force.

National Integrated Ballistics Information Network (NIBIN): \$6.5 million and 0 positions

Funding would provide NIBIN with crime gun intelligence, training to state and local partners, additional office space, and equipment needed for operations. Current services for this initiative are 21 positions and \$30.3 million.

Expediting NFA Applications: \$4.0 million and 0 positions

Funding will enhance technical advancements needed to ensure the most accurate and timely firearm registrations to support the enforcement of the National Firearms Act and reduce violent crime by providing certifications in support of criminal trials. Current services for this initiative are 105 positions and \$16.2 million.

Bureau of Alcohol, Tobacco, Firearms, and Explosives
(Dollars in Thousands)

	ATF Salaries & Expenses			Total		
	Pos	FTE	Amount	Pos	FTE	Amount
2016 Appropriation	5,101	5,042	1,240,000	5,101	5,042	1,240,000
2017 Continuing Resolution	5,101	5,028	1,240,000	5,101	5,028	1,240,000
2017 Rescission - 0.1901%	0	0	-2,357	0	0	-2,357
2017 Continuing Resolution	5,101	5,028	1,237,643	5,101	5,028	1,237,643
2018 Request	5,059	4,986	1,273,776	5,059	4,986	1,273,776
Change 2018 from 2017 Continuing Resolution	-42	-42	36,133	-42	-42	36,133
Technical Adjustments						
Total Technical Adjustments	0	0	0	0	0	0
Base Adjustments						
Pay & Benefits	-42	-42	12,553	-42	-42	12,553
Domestic Rent & Facilities	0	0	9,129	0	0	9,129
Other Adjustments	0	0	500	0	0	500
Foreign Expenses	0	0	-79	0	0	-79
Total Base Adjustments	-42	-42	22,103	-42	-42	22,103
2018 Current Services	5,059	4,986	1,259,746	5,059	4,986	1,259,746
Program Changes						
Increases:						
Violent and Gun-Related Crime Reduction Task Force	0	0	3,530	0	0	3,530
National Integrated Ballistics Information Network (NIBIN)	0	0	6,500	0	0	6,500
Expediting NFA Applications	0	0	4,000	0	0	4,000
Subtotal, Program Increases	0	0	14,030	0	0	14,030
Decreases:						
Subtotal, Program Decreases	0	0	0	0	0	0
Total Program Changes	0	0	14,030	0	0	14,030
2018 Request	5,059	4,986	1,273,776	5,059	4,986	1,273,776

ATF Salaries & Expenses
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Law Enforcement Operations	4,248	4,187	1,030,585	4,227	4,166	1,048,990
Investigative Support Services	853	841	207,058	832	820	210,756
Total	5,101	5,028	1,237,643	5,059	4,986	1,259,746
Reimbursable FTE	0	52	0	0	52	0
Grand Total	5,101	5,080	1,237,643	5,059	5,038	1,259,746

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Law Enforcement Operations	0	0	0	4,227	4,166	1,048,990
Investigative Support Services	0	0	14,030	832	820	224,786
Total	0	0	14,030	5,059	4,986	1,273,776
Reimbursable FTE	0	0	0	0	52	0
Grand Total	0	0	14,030	5,059	5,038	1,273,776



Federal Prison System (BOP)

FY 2018 Budget Request At A Glance

FY 2017 Continuing Resolution:	\$6,935.3 million S&E (43,130 positions; 200 attorneys; 20,921 correctional officers) \$528.9 million B&F (239 positions)
Current Services Adjustments:	+\$150 million S&E -\$443.8 million B&F
Program Changes:	+\$0 S&E +\$27.8 million B&F
FY 2018 Budget Request:	\$7,085.2 million S&E (37,184 positions; 200 attorneys; 19,073 correctional officers) \$113 million B&F (53 positions)
Change From FY 2017 Continuing Resolution:	+\$150 million S&E (+2.2%) (-5,946 positions; -1,848 correctional officers) -\$418 million B&F (-78.6%) (-186 positions)

Mission:

The mission of the Federal Bureau of Prisons (BOP) is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

Resources:

The FY 2018 S&E budget request for BOP totals \$7,085 million, which is a 2.9% increase from the FY 2017 Continuing Resolution. The FY 2018 Construction budget request for BOP totals \$113 million, which is a 78.6% decrease from the FY 2017 Continuing Resolution.

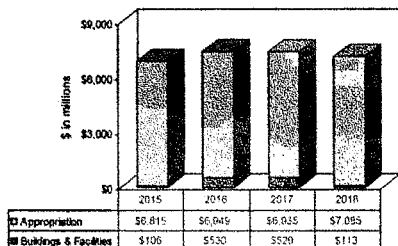
Organization:

The BOP is led by a Director, a career public administrator appointed by the Attorney General. The BOP is managed from its Central Office located in Washington, DC. The Director, Deputy Director, Assistant Directors, and General Counsel provide administrative oversight to the BOP offices and facilities. There are 122 prisons operating across the country.

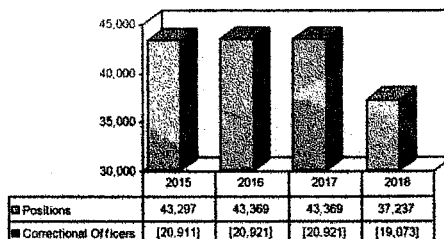
Personnel:

The BOP's direct positions for FY 2018 total 37,237 positions. BOP's FY 2018 request includes a decrease of 6,132 positions from the FY 2017 Continuing Resolution level of 43,369 direct positions. This includes the elimination of 186 vacant Buildings & Facilities (B&F) positions to reflect on-board levels.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

As of April 20, 2017, the BOP was responsible for the custody and care of over 188,000 federal offenders, which include sentenced inmates as well as detained persons awaiting trial and/or sentencing. The BOP continues to face challenges at high security institutions, which are currently twenty-four percent over capacity. The budget provides additional funding for the activation of an existing facility to reduce high security federal crowding. The BOP maintains institution security through a combination of sound correctional practices, highly trained staff, technology, and careful classification of inmates.

The BOP fully supports the Department's law enforcement efforts to promote public safety in our communities by ensuring federal offenders serve their sentences in facilities that are safe, humane, cost-efficient, and appropriately secure. Approximately 80 percent of federal offenders are confined in BOP-operated facilities, while the balance is confined in secure privately managed or community-based facilities and local jails.

The Salaries and Expenses (S&E) appropriation funds the costs associated with administering and operating the Federal Prison System. The FY 2018 S&E budget will assist in maintaining the safety of federal prisons for staff and inmates.

The B&F appropriation supports the site, design, and construction of new correctional facilities, as well as the renovation, repair, and maintenance of existing institutions.

FY 2018 Program Changes:**Salaries & Expenses**

The budget proposal includes funds for current services for BOP S&E. No program changes are requested.

Buildings & Facilities

Maintenance and Repair: \$27.8 million and 0 positions
This request for increase will help address critical major projects and reduce the backlog of unfunded M&R needs. Current services are 42 positions and \$85.2 million.

Rescission - BOP B&F: -\$444.0 million and 0 positions
The proposed rescission will reduce unobligated New Construction balances by \$444 million.

Federal Prison System
(Dollars in Thousands)

	FPS Salaries & Expenses			FPS Buildings & Facilities			Total		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount
2016 Appropriation	43,130	37,092	6,948,500	239	56	530,000	43,369	37,148	7,478,500
2017 Continuing Resolution	43,130	37,565	6,948,500	239	109	530,000	43,369	37,674	7,478,500
2017 Rescission - 0.1901%	0	0	-13,209	0	0	-1,008	0	0	-14,217
2017 Continuing Resolution	43,130	37,565	6,935,291	239	109	528,992	43,369	37,674	7,464,283
2018 Request	37,184	36,775	7,085,248	53	53	113,000	37,237	36,828	7,198,248
Change 2018 from 2017 Continuing Resolution	-5,946	-790	149,957	-186	-56	-415,992	-6,132	-846	-266,035
Technical Adjustments	0	0	0	0	0	0	0	0	0
Total Technical Adjustments	0	0	0	0	0	0	0	0	0
Base Adjustments									
Pay & Benefits	-6,241	-1,085	-6,866	-186	-56	248	-6,427	-1,141	-6,618
Domestic Rent & Facilities	0	0	20,383	0	0	0	0	0	20,383
Prison and Detention	295	295	136,440	0	0	0	295	295	136,440
Non-Recrual of USP Letcher	0	0	0	0	0	-444,000	0	0	-444,000
Total Base Adjustments	-5,946	-790	149,957	-186	-56	-443,752	-6,132	-846	-293,795
2018 Current Services	37,184	36,775	7,085,248	53	53	85,240	37,237	36,828	7,170,488
Program Changes									
Increases:									
Maintenance and Repair	0	0	0	0	0	27,760	0	0	27,760
Subtotal, Program Increases	0	0	0	0	0	27,760	0	0	27,760
Decreases:									
Subtotal, Program Decreases	0	0	0	0	0	0	0	0	0
Total Program Changes	0	0	0	0	0	27,760	0	0	27,760
2018 Request	37,184	36,775	7,085,248	53	53	113,000	37,237	36,828	7,198,248
Rescission - BOP B&F	0	0	0	0	0	-444,000	0	0	-444,000
2018 Request with Rescission	37,184	36,775	7,085,248	53	53	-331,000	37,237	36,828	6,754,248
Change 2018 from 2017 Continuing Resolution	-5,946	-790	149,957	-186	-56	-859,992	-6,132	-846	-710,035

FPS Salaries & Expenses
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Inmate Care and Programs	15,735	12,757	2,643,716	13,585	12,451	2,718,278
Institution Security and Administration	25,749	23,554	3,078,466	22,194	23,106	3,152,180
Contract Confinement	413	247	998,984	353	240	980,554
Management and Administration - BOP	1,233	1,007	214,125	1,052	978	234,236
Total	43,130	37,565	6,935,291	37,184	36,775	7,085,248
Reimbursable FTE	0	0	0	0	0	0
Grand Total	43,130	37,565	6,935,291	37,184	36,775	7,085,248

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Inmate Care and Programs	0	0	0	13,585	12,451	2,718,278
Institution Security and Administration	0	0	0	22,194	23,106	3,152,180
Contract Confinement	0	0	0	353	240	980,554
Management and Administration - BOP	0	0	0	1,052	978	234,236
Total	0	0	0	37,184	36,775	7,085,248
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	0	37,184	36,775	7,085,248

FPS Buildings & Facilities
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
BOP Construction	98	60	444,000	11	11	0
Modernization and Repair	141	49	84,992	42	42	85,240
Total	239	109	528,992	53	53	85,240
Reimbursable FTE	0	0	0	0	0	0
Balance Rescission	0	0	0	0	0	0
Grand Total	239	109	528,992	53	53	85,240

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
BOP Construction	0	0	0	11	11	0
Modernization and Repair	0	0	27,760	42	42	113,000
Total	0	0	27,760	53	53	113,000
Reimbursable FTE	0	0	0	0	0	0
Balance Rescission	0	0	-444,000	0	0	-444,000
Grand Total	0	0	-416,240	53	53	-331,000



Office of Justice Programs (OJP)

FY 2018 Budget Request At A Glance

FY 2017 Continuing Resolution (CR) (Discretionary):	\$1,835.0 million (786 positions)
FY 2018 Discretionary Budget Request:	\$1,297.3 million (711 positions)
Discretionary Program Changes:	-\$537.7 million (-29.3%) (-75 positions)
FY 2017 Continuing Resolution (CR) (Mandatory):	\$3,120.0 million
FY 2018 Mandatory Budget Request:	\$3,078.0 million
Mandatory Program Changes:	-\$42.0 million (-1.3%)

Mission:

The mission of OJP is to provide leadership, resources and solutions for creating safe and just communities. OJP strives to make the nation's criminal and juvenile justice systems more responsive to the needs of state, local, and tribal governments and their citizens. It does this by partnering with federal, state, and local agencies, as well as national, community- and faith-based organizations, to develop, operate, and evaluate a wide range of criminal and juvenile justice programs.

Resources:

The FY 2018 budget request for OJP totals \$1,297.3 million in discretionary funding, which is \$537.7 million below the FY 2017 CR level. Of the total, \$165 million is derived by transfer from the Crime Victims Fund. OJP also requests \$3,078.0 million in mandatory funding, which is \$42.0 million below the FY 2017 CR level. This includes a reduction in the Crime Victims Fund obligation limitation of \$42.0 million.

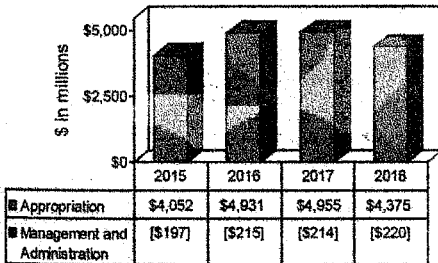
Organization:

OJP is headed by an Assistant Attorney General (AAG) who promotes coordination among OJP bureaus and offices. OJP has five component bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC). Additionally, OJP has one program office, the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART). The AAG is appointed by the President and confirmed by the Senate. All other OJP bureau heads are presidentially appointed.

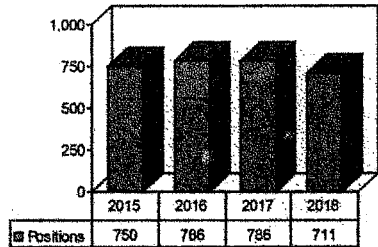
Personnel:

OJP's FY 2018 permanent, full-time position level is 711. The FY 2018 request represents a decrease of 75 positions over the FY 2017 Continuing Resolution level of 786 positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

OJP works in partnership with the justice community to promote law enforcement officer safety, prevent and combat crime, address the most pressing justice system challenges, and develop information and tools needed to understand and respond more effectively to crime and other threats to public safety.

OJP is exploring ways to expand its portfolio in the critical area of improving state, local and tribal law enforcement officer safety through the administration of existing grants; training and technical assistance; and research programs. For example, activities funded by the Justice Byrne Assistance Grants (JAG) Program seek to prevent violence against law enforcement officers and ensure officer resilience and survivability following violent encounters during the course of their duties.

Violent crime continues to be a major challenge for many communities. OJP promotes multi-jurisdictional and interdisciplinary programs that help communities prevent and respond to serious crime problems. It also partners with other federal and local law enforcement leaders focused on effective approaches to violence reduction strategies. OJP seeks to leverage existing grants; training and technical assistance; and research programs to bolster law enforcement efforts aimed at bringing order to high-crime communities.

OJP is working diligently to prevent and address youth crime and delinquency and assist youth who become involved in the juvenile and criminal justice system. OJP's programs assist state, local, and tribal juvenile justice systems in using prevention and intervention strategies that address the specific risk and protective factors associated with involvement in the juvenile and criminal justice systems.

Improving the way the nation's criminal justice system responds to victims' needs is another priority for OJP. Through the Crime Victims Fund, OJP supports crime victims' compensation and services programs in every U.S. state, the District of Columbia, Puerto Rico, and the Virgin Islands, as well as over 4,500 local victim assistance programs.

Through the work of the Bureau of Justice Statistics (BJS) and the National Institute of Justice (NIJ), OJP provides criminal justice professionals and decision-makers with statistics, program evaluation findings, and innovative crime-fighting tools. The information and technologies developed through OJP's research programs improve the efficiency and effectiveness of criminal justice programs at all levels of government.

FY 2018 Program Changes:**Research, Evaluation, and Statistics**

The Research, Evaluation, and Statistics appropriation provides grants, cooperative agreements, and contracts for research, development, and evaluation. It also supports development and dissemination of quality statistical and scientific information. This appropriation account funds the work of the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS). No increases or substantive changes proposed.

Research, Evaluation, and Statistics Set-Aside

The Research, Evaluation, and Statistics (RES) set-aside will provide up to \$35.5 million (\$2.7 million above the FY 2017 CR level) to support OJP's research and statistical programs. This 3% discretionary funding set-aside is an important source of additional funding that allows BJS to develop and enhance basic statistical systems to monitor the criminal justice system and NIJ to support research designed to identify best practices within that system. The FY 2017 CR level for this set-aside is 2% of discretionary funding.

State and Local Law Enforcement Assistance

The State and Local Law Enforcement Assistance appropriation supports OJP programs that help its grantees promote officer safety, prevent and address violent crime, and combat substance abuse. This appropriation also supports programs that develop new or innovative responses to significant or emerging public safety and justice system challenges, including the re-entry of individuals who were incarcerated into their communities. These programs provide information, training, coordination, and technical assistance to help state, local, and tribal jurisdictions improve their crime-fighting and criminal justice capabilities.

Byrne Justice Assistance Grants (JAG): The FY 2018 Budget requests \$332.5 million for the Byrne JAG program, a decrease of \$42.8 million below the FY 2017 CR level. The JAG Program provides state, local, and tribal governments with flexible funding that can be used to support law enforcement, prosecution and courts, crime prevention, corrections, drug treatment and other key initiatives. It also funds several important officer safety programs serving state and local law enforcement. Of the total requested –

- \$22.5 million is for the Body Worn Camera Partnership Program;
 - \$22.5 million for Bulletproof Vest Partnership;
 - \$5.0 million for Smart Policing initiatives;
 - \$4.0 million for Smart Prosecution initiatives;
 - \$4.0 million to support research on the nature of and responses to violent extremism; and
 - \$15.0 million to be used to support the Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability (VALOR) initiative.
- The FY 2017 CR level for this program is \$375.3 million.

Project Safe Neighborhoods (PSN) Block Grants: The 2018 Budget requests \$70 million for this new program, which will build on and expand the work of DOJ's PSN Initiative to create safer neighborhoods through sustained reductions in gang violence and gun crime. The program is based on partnerships of federal, state, and local agencies led by the U.S. Attorney (USA) in each federal judicial district. The USA will be responsible for establishing a collaborative PSN team of federal, state, and local law enforcement and other community members to implement gang violence and gun crime enforcement; violence prevention and intervention initiatives; and community outreach within the district.

National Crime Reduction Assistance (NCRA): The FY 2018 Budget requests \$5 million in funding for this initiative. The NCRA helps participating communities build their capacity to combat violence and address violent crime by helping them leverage appropriate DOJ resources, improving coordination and information sharing, and providing

comprehensive training and technical assistance through multiple Department components.

National Criminal History Improvement Program (NCHIP): The 2018 Budget requests \$53 million for this program, which is an increase of \$5.1 million above the FY 2017 CR level. NCHIP awards grants that assist states and territories to improve the quality, timeliness, and immediate accessibility of criminal history and related records. These records play a vital role in supporting the National Instant Criminal Background Check System (NICS) and helping federal, state, local, and tribal law enforcement investigate crime and promote public safety. The FY 2017 CR level for this program is \$47.9 million.

Prison Rape Elimination Act (PREA) Program: The 2018 Budget requests \$15.5 million for this program, which is an increase of \$5 million above the FY 2017 CR level. This program provides demonstration grants and training and technical assistance to help state, local, and tribal governments ensure their detention and correctional facilities comply with the National PREA standards. It also supports statistical data collection to monitor the incidence of prison rape and related sexual offenses. The funding will ensure that OJP can accomplish its PREA mandates, particularly the PREA grant program, the National Inmate Survey, and the PREA Resource Center. The FY 2017 CR level for this program is \$10.5 million.

Juvenile Justice

OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) is committed to helping state, local, and tribal governments address juvenile crime and delinquency and assist children who have been victimized by crime and child abuse. OJJDP programs also help communities intervene to help at-risk youth avoid unnecessary involvement in the justice system and assist justice-system involved youth with reentry into their communities following their release from secure correctional facilities.

OJP – Management and Administration

The FY 2018 Budget request for OJP includes 711 permanent, full-time positions and \$220.2 million in Management and Administration (M&A) funding, which is a decrease of 75 positions below, and an increase of \$6 million above, the FY 2017 CR level.

The \$6 million increase in M&A funding will support the Grants Management System (GMS) 2.0 initiative. This IT initiative will advance the efficiency and transparency of OJP's grants, research and statistical programs through the implementation of business process improvements and commercially available emerging technologies. These upgrades will allow OJP to leverage its grants management system as a shared service among DOJ grant components. The GMS 2.0 initiative will play a vital role in sustaining the grant management and oversight functions for OJP, the Office of Community Oriented Policing Services, and Office on Violence Against Women. The FY 2017 CR level for M&A is \$214.6 million.

Indian Country Programs

The FY 2018 Budget request provides a new 7% tribal assistance set-aside (for a total of \$90.4 million) to provide grant funds for Indian Country rather than requesting funding for specific line item programs.

Mandatory Programs

OJP also has three key mandatory programs to prevent crime, protect the rights of the American people, and enforce federal law.

Crime Victims Fund: The FY 2018 Budget request includes an obligation limitation of \$3.0 billion for the Crime Victims Fund (CVF), which is \$42 million below the FY 2017 CR level. The CVF provides formula grants to state and territories to support compensation and services for victims of crime. CVF funding also supports training, technical assistance, and demonstration grants designed to improve the capabilities and capacity of victims services providers throughout the nation. The FY 2017 CR level for this program is \$3.04 billion.

Included within this total are \$10 million to support oversight of OVC programs by DOJ's Office of the Inspector General; \$25 million for Vision 21 initiatives; and a 5% set aside (totaling \$150 million) to support tribal victims assistance grants. Also included in this total is \$445 million for transfer to the Office on Violence Against Women and \$165 million for transfer to OJP's State and Local Law Enforcement Assistance (\$73 million) and Juvenile Justice Programs (\$92 million) appropriations accounts. Of the \$165 million transferred to OJP appropriations accounts: \$20 million is for the Adam Walsh Act program; \$8.0 million for the Children Exposed to Violence program; \$45.0 million for the Victims of Trafficking Program; \$72 million for the Missing and Exploited Children Program; and \$20 million for the Victims of Child Abuse Act program.

Public Safety Officers' Benefit Program (PSOB): The FY 2018 Budget requests \$72 million in mandatory funding for the PSOB Death Benefits Program, which is equal to the FY 2017 level. The Budget also requests \$16.3 million in discretionary funding for the PSOB Disability Benefits and Educational Assistance Programs, which is an increase of \$31,000 above the FY 2017 CR level. These programs provide benefits to survivors of public safety officers killed or fatally injured in the line of duty and to public safety officers permanently disabled by injuries suffered in the line of duty. The FY 2017 CR levels for PSOB are \$72 million in mandatory funding and \$16.2 million in discretionary funding.

Domestic Victims of Trafficking Fund: The FY 2018 Budget requests \$6.0 million in mandatory funding for this program. This program is funded by assessments on non-indigent persons convicted of certain offenses involving sexual abuse or human trafficking. Funding is then used to support programs to assist trafficking victims. In FY 2018, the Department assumes \$2 million in collections and a \$5 million transfer from the Department of Health and Human Services to cover health care-related costs of trafficking victims.

Offsetting decreases are included for the following programs:

Program Eliminations: Body Worn Cameras Research and Statistics (\$5.0 million program elimination); Byrne Criminal Justice Innovation Program (\$15.0 million program elimination); Byrne JAG Presidential Nominating Conventions (\$99.8 million non-recurring one-time funding); Community Based Violence Prevention Initiative (\$8.0 million program elimination); John R. Justice Program (\$2.0 million program elimination); State Criminal Alien Assistance Program (SCAAP) (\$209.6 million program elimination); and Violent Gun and Gang Crime Prevention Program (\$6.5 million program elimination).

Discretionary Program Reductions: Regional Information Sharing System (\$4.9 million program reduction); Byrne Justice Assistance Grants (\$42.8 million program reduction);

Comprehensive School Safety Initiative (\$54.8 million program reduction); DNA Related and Forensic Program and Activities (\$19.8 million program reduction); Drug Courts (\$1.9 million program reduction); Economic, High-technology, and Cybercrime Prevention (\$2.0 million program reduction); Indian Assistance (\$29.9 million program reduction; funded through the 7% tribal assistance set-aside in FY 2018); Justice Reinvestment Initiative (\$5.4 million program reduction); NICS Act Record Improvement Program (\$9.9 million program reduction); Paul Coverdell Forensic Science Improvement Grants (\$0.5 million program reduction); Prescription Drug Monitoring Program (\$0.9 million program reduction); Second Chance Act Program (\$19.9 million program reduction); Delinquency Prevention Program (\$0.4 million program reduction); and Youth Mentoring (\$31.8 million program reduction).

Rescission – OJP: -\$40.0 million

The Budget proposes to cancel \$40.0 million in unobligated balances.



Community Policing (COPS)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$200.6 million (188 positions; 11 attorneys)
Current Services Adjustments:	+\$11.0 million
Program Changes:	+\$6.4 million
FY 2018 Budget Request:	\$218.0 million (102 positions; 11 attorneys)
Change From FY 2017 Continuing Resolution:	+\$17.4 million (+8.7%) (-86 positions)

Mission:

The COPS Office mission is to advance public safety through the practice of community policing. By proactively addressing the root causes of criminal and disorderly behavior, rather than simply responding to crimes once they have been committed, community policing concentrates on preventing both crime and the atmosphere of fear it creates. Community policing also promotes the use of operational strategies and the development of mutually beneficial relationships between law enforcement and the communities served. By earning community trust and making those individual community members stakeholders in their own safety, law enforcement can better understand and address the community's needs, and the factors that contribute to crime.

Resources:

The FY 2018 Budget request for COPS totals \$218.0 million, which is a 8.7% increase over the FY 2017 Continuing Resolution.

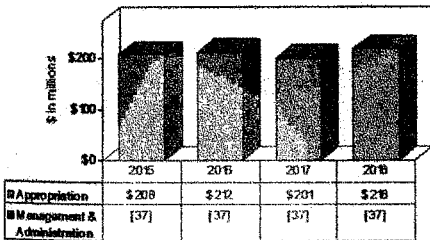
Organization:

The COPS Office is headed by a Director, who is appointed by the Attorney General. The COPS Office was established in 1994 to assist state, local and tribal law enforcement agencies in building their capacity to increase the safety and wellness of officers and advance public safety through the implementation of community policing strategies.

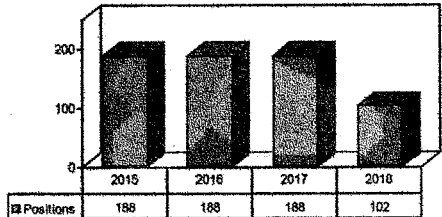
Personnel:

The COPS direct positions for FY 2018 total 102 positions. COPS FY 2018 request includes a decrease of -86 positions from the FY 2017 Continuing Resolution of 188 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

Over the past two decades, the COPS Office programs and initiatives have provided funding to more than 13,000 law enforcement agencies. To date the COPS Office has funded over 129,000 officers. More than 700,000 law enforcement personnel and community members have been trained on community policing topics including crime control strategies, police ethics and integrity, terrorism prevention and preparedness, school safety, partnership building, problem-solving and crime analysis.

In FY 2018, the COPS Office will continue to fulfill its mission of advancing the practice of community policing by:

- Funding additional officers to address policing challenges, including efforts to combat and reduce spikes in violent crime;
- Continuing to support innovative programs that respond directly to the emerging needs of state, local, and tribal law enforcement. These innovative programs shift law enforcement's focus to prevent, rather than react to crime and disorder;
- Providing oversight and coordination of the National Blue Alert System;
- Advancing the work of the national Officer Safety and Wellness Group;
- Supporting the work of the Attorney General's Task Force on Crime Reduction and Public Safety, in collaboration with other DOJ components;
- Developing state-of-the-art training and technical assistance for law enforcement;
- Promoting collaboration between law enforcement and community members to develop innovative initiatives to prevent crime;
- Providing responsive, cost-effective service delivery to COPS grantees; and

Supporting evidence-based community policing practices that have proven to be effective, can be easily replicated by a broad cross-section of law enforcement agencies, and are sustainable.

FY 2018 Program Changes:

COPS Hiring Program: \$20.4 million and 0 positions
The FY 2018 Budget includes \$20.4 million for the COPS Hiring Program to provide a total funding level of \$207 million. Included within this total is \$30 million for tribal law enforcement, \$10 million for community policing development activities, and \$10 million for collaborative reform.

DEA/COPS Methamphetamine Enforcement and Cleanup: \$21,000 and 0 positions
An additional \$21,000 is available to reimburse DEA for Meth Enforcement and Cleanup to equal the FY 2016 enacted level of \$11 million.

Program Offset - Anti-Heroin Task Forces: -\$7.0 million and 0 positions
The FY 2018 Budget request for COPS includes a program elimination of \$7.0 million for the Anti-Heroin Task Forces.

Program Offset - Anti-Methamphetamine Task Forces: -\$7.0 million and 0 positions
The FY 2018 Budget request for COPS includes a program elimination of \$7.0 million for Anti-Methamphetamine Task Forces.

Rescission - COPS: -\$10.0 million and 0 positions
The Budget proposes to cancel \$10.0 million in unobligated balances.



Office on Violence Against Women (OVW)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$474.1 million (82 positions; 4 attorneys)
Current Services Adjustments:	+\$5.0 million
Program Changes:	+\$913,000
FY 2018 Budget Request:	\$480.0 million (66 positions; 4 attorneys)
Change From FY 2017 Continuing Resolution:	+\$5.9 million (+1.2%) (-16 positions)

Mission:

The mission of the OVW is to provide federal leadership to reduce violence against women, and to support the administration of justice and strengthen services to all victims of domestic violence, dating violence, sexual assault, and stalking. This is accomplished by developing and supporting the capacity of state, local, tribal, and non-profit entities involved in responding to violence against women.

Organization:

OVW is headed by a Director, who is appointed by the President and confirmed by the Senate. The Director oversees Grant Development and Management, Policy Communication and Evaluation, Budget and Financial Management and Administration Divisions; additionally the Director oversees Legal Counsel and Tribal Affairs.

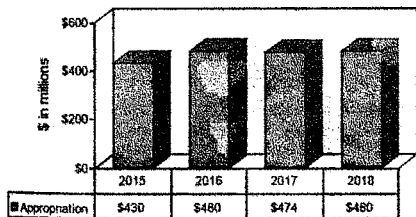
Resources:

The FY 2018 budget request for OVW totals \$480.0 million, which is a 1.2% increase over the FY 2017 Continuing Resolution. Of the total, \$445 million is derived by transfer from the Crime Victims Fund.

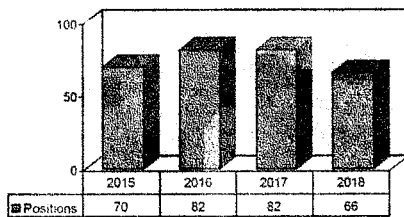
Personnel:

The OVW direct positions for FY 2018 total 66 positions. OVW FY 2018 request includes a decrease of -16 positions from the FY 2017 Continuing Resolution of 82 direct positions.

Funding (FY 2015 - 2018)



Personnel (FY 2015 - 2018)



FY 2018 Strategy:

The OVV was created specifically to implement the Violence Against Women Act (VAWA) and subsequent legislation. OVV administers financial and technical assistance to communities around the country to facilitate the creation of programs, policies, and practices aimed at ending domestic violence, dating violence, sexual assault, and stalking.

Four priorities guide the FY 2018 Budget request of the Office: 1) reducing the violent crimes of sexual assault, domestic violence, dating violence, and stalking ;2) supporting essential services for victims; 3) reaching underserved communities; and 4) ensuring meaningful evaluation of programs and implementation of evidence-based practices.

OVV's greatest immediate challenges will be: 1) to make progress in addressing the high levels of sexual assault in the United States; 2) to support core services for victims across the country as programs compete for scarce resources; and 3) to build the infrastructure necessary to fulfill OVV's statutorily envisioned role as the nation's leading voice on ending violence against women.

In recognition of the severity of the crimes associated with domestic violence, sexual assault, and stalking, Congress passed the Violence Against Women Act of 1994 (VAWA 1994) as part of the Violent Crime Control and Law Enforcement Act of 1994. VAWA is a comprehensive legislative package designed to end violence against women and was reauthorized in 2000, 2005, and in March 2013. The legislative history of VAWA indicates that Congress seeks to remedy the legacy of laws and social norms that serve to justify violence against women. Since the passage of VAWA, there has been a paradigm shift in how the issue of violence against women is addressed.

VAWA was designed to improve criminal justice responses to domestic violence, sexual assault, dating violence, and stalking and to increase the availability of services for victims of these crimes. VAWA requires a coordinated community response to domestic violence, sexual assault, dating violence, and stalking, encouraging jurisdictions to bring together players from diverse backgrounds to share information and to use their distinct roles to improve community responses to violence against women. These players include, but are not limited to: victim advocates, police officers, prosecutors, judges, probation and corrections officials, health care professionals, leaders within faith communities, and survivors of violence against women. The federal law takes a comprehensive approach to violence against women by combining tough new penalties to prosecute offenders while implementing programs to aid the victims of such violence. By working together, a system can be created to keep victims safe and hold offenders accountable. OVV has instituted this philosophy at all levels of its work.

VAWA has led to significant improvements in the criminal and civil justice systems, and has been successful by funding evidence-based practices, including civil legal assistance, specialized law enforcement and prosecution units, and domestic violence courts. Findings from a nationwide assessment indicate that VAWA grants were associated with reductions in rape and assault.

FY 2018 Program Changes:

Grants to Combat Violence Against Women (STOP): \$409,000 and 0 positions
An additional \$409,000 is included for the Grants to Combat Violence Against Women (STOP) Program to equal the FY 2016 enacted level of \$215 million.

Research and Eval. Violence Against Women (NIJ): \$10,000 and 0 positions
An additional \$10,000 is included for Research and Eval. Violence Against Women (NIJ) to equal the FY 2016 enacted level of \$5 million.

Transitional Housing: \$57,000 and 0 positions
An additional \$57,000 is included for the Transitional Housing Program to equal the FY 2016 enacted level of \$30 million.

Consolidated Youth Oriented Program: \$21,000 and 0 positions
An additional \$21,000 is included for the Consolidated Youth Oriented Program to equal the FY 2016 enacted level of \$11 million.

Grants to Encourage Arrest Policies: \$97,000 and 0 positions
An additional \$97,000 is included for the Arrest Program to equal the FY 2016 enacted level of \$51 million.

Rural Domestic Violence & Child Abuse Enforcement Assst.: \$65,000 and 0 positions
An additional \$65,000 is included for the Rural Program to equal the FY 2016 enacted level of \$34 million.

Legal Assistance Program: \$86,000 and 0 positions
An additional \$86,000 is included for the Legal Assistance Program to equal the FY 2016 enacted level of \$45 million.

Grants to support Families in the Justice System: \$30,000 and 0 positions
An additional \$30,000 is included for Grants to support Families in the Justice System to equal the FY 2016 enacted level of \$16 million.

Campus Violence: \$38,000 and 0 positions
An additional \$38,000 is included for the Campus program to equal the FY 2016 enacted level of \$20 million.

Disabilities Program: \$11,000 and 0 positions
An additional \$11,000 is included for the Disabilities program to equal the FY 2016 enacted level of \$6 million.

Elder Program: \$10,000 and 0 positions
An additional \$10,000 is included for the Elder program to equal the FY 2016 enacted level of \$5 million.

Sexual Assault Services: \$65,000 and 0 positions
An additional \$65,000 is included for the Sexual Assault Services Program to equal the FY 2016 enacted level of \$35 million.

Indian Country - Sexual Assault Clearinghouse: \$1,000 and 0 positions
An additional \$1,000 is included for a Sexual Assault Clearinghouse to equal the FY 2016 enacted level of \$500,000.

National Resource Center on Workplace Responses:

\$1,000 and 0 positions

An additional \$1,000 is included for the National Resource Center on Workplace Responses to equal the FY 2016 enacted level of \$500,000.

Research on Violence Against Indian Women: \$2,000 and 0 positions

An additional \$2,000 is included for Research on Violence Against Indian Women to equal the FY 2016 enacted level of \$1 million.

Tribal Special Domestic Violence Criminal Jurisdiction: \$5,000 and 0 positions

An additional \$5,000 is included for the Tribal Special Domestic Violence Criminal Jurisdiction Program to equal the FY 2016 enacted level of \$2.5 million.

Rape Survivor Child Custody Act Program: \$5,000 and 0 positions

An additional \$5,000 is included for the Rape Survivor Child Custody Act Program to equal the FY 2016 enacted level of \$2.5 million.

Rescission - OWV: -\$15.0 million and 0 positions

The Budget proposes to cancel \$15.0 million in unobligated balances.



Fees and Expenses of Witnesses (FEW)

FY 2018 Budget Request At A Glance	
FY 2017 Continuing Resolution:	\$250.9 million
Current Services Adjustments:	+\$19.1 million
Program Changes:	+\$0
FY 2018 Budget Request:	\$270.0 million
Change From FY 2017 Continuing Resolution:	+\$19.1 million (+7.6%)

Mission:

The mission of the FEW appropriation is to provide funding for all fees and expenses associated with the provision of testimony on behalf of the Federal Government. Funding is also provided to pay for private and foreign counsel.

Organization:

The FEW Appropriation is centrally managed by the Justice Management Division's Budget Staff. Funds are allocated to various Department components for administration of expert witnesses who provide technical or scientific testimony and are compensated based on negotiations with the respective Federal attorney. Also, funds are provided for fact witnesses who testify to events or facts of personal knowledge. Fact witnesses statutorily are paid a rate of \$40 per day, plus travel and other costs associated with their appearance. Finally, funds are provided for the Protection of Witnesses for the security of government witnesses or potential government witnesses and their families when their testimony may jeopardize their personal security.

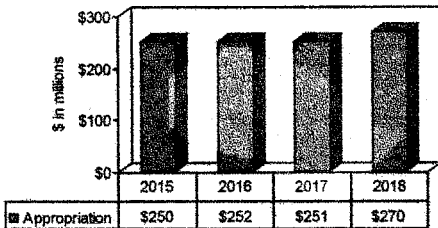
Resources:

The FY 2018 budget request for FEW totals \$270.0 million, which is a 7.6% increase over the FY 2017 Continuing Resolution.

Personnel:

There are no authorized positions associated with this appropriation.

Funding (FY 2015 - 2018)



FY 2017 Strategy:

The FEW appropriation provides adequate funding of fees and related expenses incurred by individuals who provide factual, technical or scientific testimony on behalf of the United States or court designated indigent individuals, as provided by law. Funds provided for this activity also guarantee the rights of accused persons to a fair and impartial trial by ensuring that the accused is mentally competent to stand trial and that the courts have testimony regarding the mental competency of the accused at the time of the alleged offense.

FEW also provides the court-attendance fee paid to fact witnesses set by law (28 U.S.C. §1821). As a result of Public Law 96-346 (September 10, 1980), the amounts authorized for travel, per diem and mileage are set by regulation governing official travel by federal employees.

The procedure for designation of a person as a protected witness is set forth in Department of Justice Offices, Boards and Divisions Order 2110.2 "Witness Protection and Maintenance Policy and Procedures." This Order places with the United States Marshals Service the responsibility for the security of these witnesses and their families.

The Victim Compensation Fund provides resources to compensate individuals who are victimized by protected witnesses. The Fund was initially funded by the 1985 Supplemental Appropriations Act (P. L. 99-88).

The Private Counsel activity provides funding to retain outside counsel to represent Government officers and employees who are sued for actions taken while performing their official duties. 28 C.F.R. 50.15 and 50.16 delegate the Civil Division the authority to retain such counsel.

The Superior Court activity provides funding for the protective services offered to the District of Columbia Superior Court witnesses.

The Alternative Dispute Resolution activity offers the opportunity to settle pending civil litigation using a wide range of problem-solving and conflict management techniques including mediation, early neutral evaluation, arbitration and mini-trials.

The Foreign Counsel activity provides funding to allow the Department to retain outside counsel to represent Government officers and employees who are sued in a foreign country while performing their official duties. 28 C.F.R. §0.46 authorizes the Civil Division to retain such counsel. Payment for such services will be made from the FEW's appropriations.

FY 2017 Program Changes:

The budget proposal includes funds for current services for FEW. No program changes are requested.

Fees and Expenses of Witnesses
(Dollars in Thousands)

	Fees and Expenses of Witnesses		
	Pos	FTE	Amount
2016 Appropriation	0	0	270,000
2016 Sequester Cut	0	0	-18,360
2016 Enacted with Rescissions	0	0	251,640
2017 Continuing Resolution	0	0	270,000
2017 Rescission - 0.1901%	0	0	-478
2017 Sequester Cut	0	0	-18,630
2017 Continuing Resolution with Rescissions	0	0	250,892
2018 Request	0	0	270,000
Change 2018 from 2017 Continuing Resolution	0	0	19,108
Technical Adjustments			
Restoration of 2017 Sequester	0	0	18,630
Restoration of Rescission	0	0	478
Total Technical Adjustments	0	0	19,108
Base Adjustments			
Total Base Adjustments	0	0	0
2018 Current Services	0	0	270,000
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2018 Request	0	0	270,000

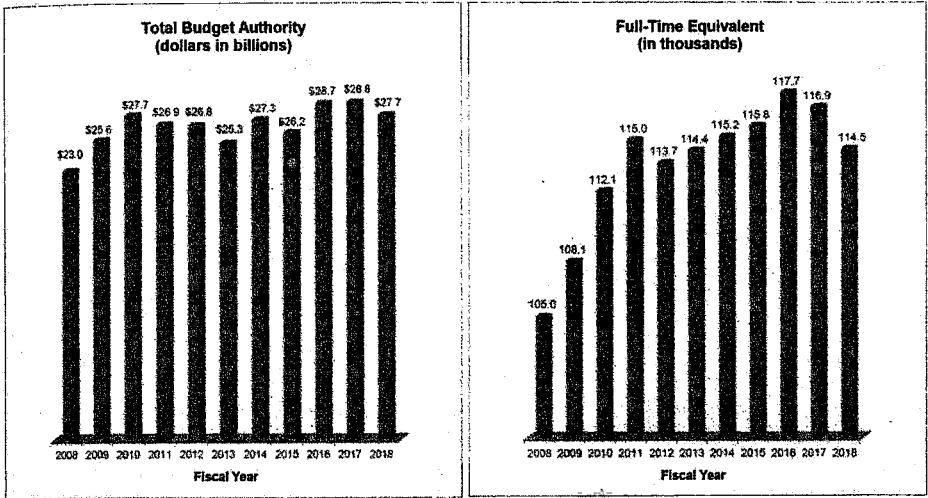
Fees and Expenses of Witnesses
(Dollars in Thousands)

Comparison by activity and program	2017 Continuing Resolution			2018 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Protection of Witnesses	0	0	40,571	0	0	45,000
Fees and Expenses of Witnesses	0	0	199,433	0	0	210,000
Private Counsel	0	0	6,505	0	0	8,000
Foreign Counsel	0	0	3,175	0	0	5,000
Alternative Dispute Resolution	0	0	1,208	0	0	2,000
Total	0	0	250,892	0	0	270,000
Grand Total	0	0	250,892	0	0	270,000

Comparison by activity and program	2018 Total Program Changes			2018 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Protection of Witnesses	0	0	0	0	0	45,000
Fees and Expenses of Witnesses	0	0	0	0	0	210,000
Private Counsel	0	0	0	0	0	8,000
Foreign Counsel	0	0	0	0	0	5,000
Alternative Dispute Resolution	0	0	0	0	0	2,000
Total	0	0	0	0	0	270,000
Grand Total	0	0	0	0	0	270,000

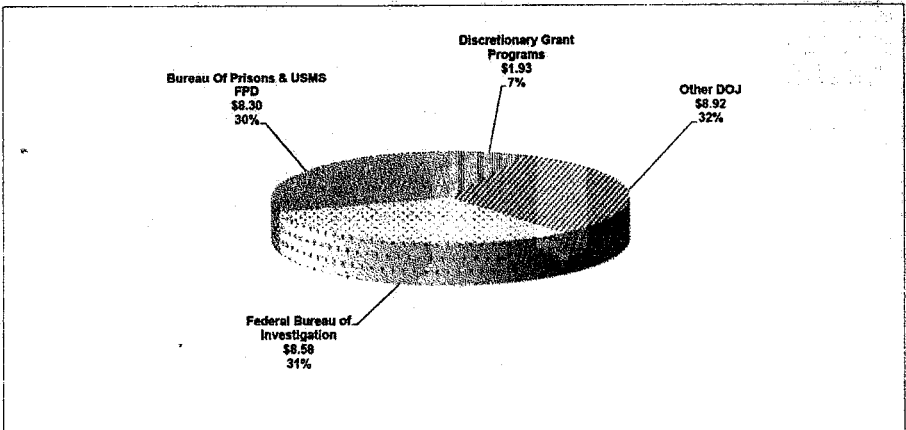
III. Resource Tables and Additional Information

**U.S. Department of Justice
Total Discretionary Budget Authority and Full-Time Equivalent
FY 2008 - FY 2018**



Budget Authority includes only discretionary funding with fees. Offsets associated with the Crime Victims Fund, and the Assets Forfeiture Fund have also been excluded.

**2018 Discretionary Budget Authority by Organization
Discretionary Budget Authority: \$27.7 billion
(dollars in billions)**



Scorekeeping credits totaling \$11.3 billion are excluded in this pie chart.

"Other DOJ" includes: General Administration, Justice Information Sharing Technology, Administrative Review and Appeals, U.S. Parole Commission, Office of the Inspector General, Working Capital Fund, National Security Division, General Legal Activities, Antitrust (net), United States Attorneys, U.S. Trustee (net), Foreign Claims Settlement Commission, U.S. Marshals Service S&E + Construction, Community Relations Service, Interagency Crime and Drug Enforcement, Assets Forfeiture Fund, Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco, Firearms & Explosives.

U.S. Department of Justice
2018 Request Compared with 2017 Annualized Continuing Resolution and 2016 Obligations
(Dollars in Thousands)

Appropriation	FY 2016 Actuals ¹¹			FY 2017 Annualized Continuing Resolution		FY 2018 Request		Change from 2017 to 2018	
	Direct FTE	Reimb FTE	OBLIGATION AMOUNT	Est. FTE	BA AMOUNT	Est. FTE	BA AMOUNT	Est. FTE	AMOUNT
General Administration	457	80	\$109,567	533	\$111,289	426	\$114,000	-127	\$2,712
Justice Information Shering Technology	33	0	35,179	45	30,941	34	30,941	-11	0
Administrative Review & Appeals	1,411	0	406,423	1,688	425,979	1,911	505,367	223	79,388
Executive Office for Immigration Review	1,391	0	462,335	1,677	417,500	1,892	496,407	225	78,907
Transfer from Immigration Fees Account	0	0	0	0	3,992	0	4,000	0	8
Office of Pardon Attorney	20	0	4,088	21	4,487	19	4,960	-2	473
Office of the Inspector General	438	21	93,682	455	93,531	451	95,328	-4	1,797
Working Capital Fund	0	505	0	599	-69,000	599	-144,768	0	-75,768
U.S. Parole Commission	68	0	12,837	68	13,283	53	13,283	-15	0
National Security Division	353	0	103,138	359	94,819	362	101,031	3	6,212
General Legal Activities	3,574	628	900,186	4,483	891,302	4,374	899,000	-109	7,688
Office of the Solicitor General	45	0	12,174	56	11,862	48	11,916	-8	54
Tax Division	485	0	106,846	534	106,776	499	106,858	-35	82
Criminal Division	664	309	188,795	1,031	181,399	1,028	182,218	-3	819
Jury Division	1,194	182	290,755	1,426	291,658	1,367	291,750	-59	92
Environment & Natural Resources Division	542	74	113,186	641	110,302	642	115,598	1	5,296
Office of Legal Counsel	30	0	8,048	27	7,974	32	8,010	5	36
Civil Rights Division	552	62	147,808	699	147,957	686	148,125	-13	168
INTERPOL Washington	62	1	32,574	69	33,374	72	34,525	3	1,151
Vaccine Injury Compensation Trust Fund	[41]	[0]	[7,833]	[41]	[9,340]	[41]	[9,340]	0	0
Antitrust Division	689	0	172,160	694	164,663	695	164,663	1	0
U.S. Attorneys	9,889	1,455	2,032,028	11,711	1,996,198	11,839	2,057,252	128	61,054
U.S. Trustees	1,088	0	227,561	1,184	225,479	1,028	225,479	-156	0
Foreign Claims Settlement Commission	7	0	2,258	11	2,369	11	2,409	0	40
U.S. Marshals Service	4,798	336	2,716,377	5,269	2,607,813	5,226	2,802,971	-62	195,158
U.S. Marshals Service S&E	4,783	336	1,260,730	5,269	1,228,242	5,207	1,252,000	-62	23,758
U.S. Marshals Service Construction	0	0	16,356	0	14,971	0	14,971	0	0
Federal Prisoner Detention	15	0	1,439,291	19	1,451,815	19	1,536,000	0	84,185
Rescissions - USMS FPD	0	0	0	0	-87,215	0	0	0	87,215
Community Relations Service	43	0	13,813	58	14,419	54	14,419	-4	0
Assets Forfeiture Fund	0	0	20,106	0	20,475	0	21,475	0	1,000
Interagency Crime & Drug Enforcement	21	0	517,040	22	511,027	21	526,000	-1	14,973
Interagency Crime & Drug Enforcement S&E	[1]	[0]	[517,040]	[2,882]	[511,027]	[2,870]	[526,000]	[-12]	[14,973]
Interagency Crime & Drug Enforcement FTE	21	0	0	22	0	21	0	-1	0
Federal Bureau of Investigation	32,645	2,837	8,679,977	38,426	8,701,428	35,053	8,579,477	-1,373	-121,951
FBI Salaries and Expenses	32,645	2,837	8,599,829	36,426	8,473,800	35,053	8,722,582	-1,373	248,782
Rescission - Direct and CJIS Balances	0	0	0	0	-80,787	0	-195,000	0	-114,233
FBI Construction	0	0	80,154	0	308,395	0	51,895	0	-256,500
Drug Enforcement Administration	6,467	1,092	2,170,677	7,714	2,087,025	7,714	2,164,051	0	77,026
Drug Enforcement Administration	6,467	1,092	2,170,677	7,714	2,087,025	7,714	2,164,051	0	77,026
Bureau of Alcohol, Tobacco, Firearms, and Explosives	5,042	52	1,262,572	5,080	1,237,643	5,038	1,273,776	-42	36,133
ATF Salaries & Expenses	5,042	52	1,262,565	5,080	1,237,643	5,038	1,273,776	-42	36,133
ATF Construction	0	0	7	0	0	0	0	0	0
Federal Prison System	37,148	0	7,044,805	37,674	7,464,283	38,828	8,754,248	-846	-266,035
FPS Salaries & Expenses	37,052	0	6,930,393	37,565	6,935,281	38,775	7,065,248	-790	149,957
FPS Buildings & Facilities	56	0	114,412	109	528,982	53	113,000	-56	-415,982
Rescissions - FPS B&F	0	0	0	0	0	0	-444,000	0	-444,000
Federal Prison Industries	0	753	0	1,147	2,695	1,147	2,695	0	0
Commissary Fund	0	692	0	748	0	749	0	0	0
SUBTOTAL, Discretionary w/o State and Local	103,971	8,451	26,520,388	116,008	26,627,660	113,613	26,203,097	-2,395	19,437

¹¹ FY 2018 excludes 110 reimbursable FTE for the Justice Prisoner and Alien Transportation System (JPATS). Also excludes 108 FTE in FY 2017 and 96 FTE in FY 2016.

U.S. Department of Justice
2018 Request Compared with 2017 Annualized Continuing Resolution and 2016 Obligations
(Dollars in Thousands)

Appropriation	FY 2016 Actuals ¹			FY 2017 Continuing Resolution		FY 2018 Request		Change from 2017 to 2018	
	Direct FTE	Reimb FTE	AMOUNT	Est. FTE	AMOUNT	Est. FTE	AMOUNT	Est. FTE	AMOUNT
Discretionary Grant Programs	853	0	2,360,995	901	2,444,731	879	1,930,300	-22	-514,431
Office of Justice Program	684	0	1,672,168	707	1,795,018	711	1,257,300	4	-537,718
Research, Evaluation and Statistics	0	0	139,236	0	117,776	0	111,000	0	-6,776
Juvenile Justice Programs	0	0	245,921	0	269,646	0	229,500	0	-40,146
Funding within CVF - JJP	0	0	0	0	0	0	[-92,000]	0	[-92,000]
State and Local Law Enforcement Assistance	0	0	1,274,510	0	1,431,325	0	940,500	0	-490,825
Funding within CVF - S&L	0	0	0	0	0	0	[-72,000]	0	[-72,000]
Public Safety Officer's Benefits	0	0	12,499	0	16,269	0	16,300	0	31
OJP - Salaries and Expenses	684	0	[219,203]	707	[214,817]	711	[214,617]	4	0
Rescissions - OJP	0	0	0	0	-40,900	0	-40,000	0	0
Community Policing Total	106	0	207,432	118	190,818	102	208,000	-16	17,382
Community Policing	0	0	207,432	0	200,818	0	218,000	0	17,382
Rescission - COPS	0	0	0	0	-10,000	0	-10,000	0	0
COPS (Salaries and Expenses)	106	0	[34,671]	118	[37,374]	102	[37,374]	-16	0
Office on Violence Against Women - Total	63	0	481,395	76	459,097	66	465,000	-10	5,903
Office on Violence Against Women	0	0	481,395	0	474,097	0	480,000	0	5,903
Funding within CVF - OVW	0	0	[-379,000]	0	[-379,000]	0	[-445,000]	0	[-66,000]
Rescissions - OVW	0	0	0	0	-15,000	0	-15,000	0	0
OVW (Salaries and Expenses)	63	0	[22,918]	76	[19,912]	66	[19,912]	-10	0
SUBTOTAL, Discretionary Budget Authority	104,824	8,451	28,881,381	116,909	28,072,391	114,482	28,133,397	-2,417	-494,994
Antitrust Pre-Merger Filing Fee	0	0	0	0	-128,000	0	-112,700	0	15,300
U.S. Trustee Fees and Interest on U.S. Securities	0	0	0	0	-123,000	0	-289,000	0	-166,000
SUBTOTAL, Fees Collections	0	0	0	0	-251,000	0	-401,700	0	-150,700
SUBTOTAL, Discretionary w/ Fees	104,824	8,451	28,881,381	116,909	28,821,391	114,482	27,731,697	-2,417	-645,694
Crime Victim Fund Credit	0	0	0	0	-11,379,000	0	-11,020,000	0	359,000
Crime Victim Fund - Rescission	0	0	0	0	0	0	[-1,310,000]	0	[-1,310,000]
Asset Forfeiture Fund - Rescission	0	0	0	0	-458,000	0	-304,000	0	154,000
SUBTOTAL, Discretionary Credits	0	0	0	0	-11,837,000	0	-11,324,000	0	513,000
SUBTOTAL, DOJ Direct Discretionary Budget Authority	104,824	8,451	28,881,381	116,909	16,984,391	114,482	16,407,697	-2,417	-132,684
Fees and Expenses of Witnesses	0	0	333,163	0	270,000	0	270,000	0	0
Independent Counsel	0	0	0	0	500	0	500	0	0
Radiation Exposure Compensation Trust Fund	0	0	61,243	0	65,000	0	50,000	0	-15,000
Public Safety Officer's Death Benefits - Mandatory	0	0	111,752	0	72,000	0	72,000	0	0
Assets Forfeiture Fund (Permanent Budget Authority)	0	25	1,300,445	28	1,378,756	28	1,380,013	0	1,257
Antitrust Pre-Merger Filing Fee Collections	0	0	0	0	128,000	0	112,700	0	-15,300
U.S. Trustee Fees Collections	0	0	0	0	123,000	0	289,000	0	166,000
Criminal Justice Information Services (FBI)	0	0	0	[1,257]	433,000	[1,257]	433,000	0	0
DEA-Diversion Control Fee	0	1,343	370,650	1,456	346,336	1,495	419,574	39	73,238
911 Victim Compensation Fund	0	0	1,703,803	0	818,195	0	0	0	-818,195
Victim Compensation Fund	0	0	0	0	4,600,000	0	0	0	-4,600,000
Domestic Victims of Trafficking	0	0	5,000	0	6,000	0	6,000	0	0
Crime Victim Fund Obligation Limitation	0	0	2,585,160	0	3,042,000	0	3,000,000	0	-42,000
Victims of State Sponsored Terrorism	0	0	70,300	0	1,025,000	0	0	0	-1,025,000
SUBTOTAL, Mandatory and Other Account Totals	0	1,368	6,541,516	1,484	12,307,787	1,523	6,032,787	39	-6,275,000
TOTAL BA, Discr & Mandatory, DOJ	104,824	9,819	35,422,897	118,393	29,282,178	116,015	22,440,484	-2,378	-6,407,694
HCFA Mandatory Reimbursements	0	0	51,770	0	58,045	0	63,831	0	5,786
FBI Health Care Fraud	0	0	128,580	0	131,335	0	144,454	0	13,119
HCFA Discretionary Reimbursement	0	0	53,490	0	60,480	0	66,363	0	5,883
TOTAL, Health Care Fraud Reimbursements	0	0	233,840	0	249,860	0	274,648	0	24,788
TOTAL, Department of Justice ¹	104,824	9,819	35,656,737	118,393	29,542,058	116,015	22,715,132	-2,378	-6,382,906

¹ FY 2018 excludes 110 reimbursable FTE for the Justice Prisoner and Alien Transportation System (JPATS). Also excludes 108 FTE in FY 2017 and 96 FTE in FY 2016.

U.S. DEPARTMENT OF JUSTICE
GROSS OUTLAYS - FY 2016 TO FY 2018
(Dollars in Thousands)

APPROPRIATION	2016 ACTUAL	2017	2018	OUTLAY SPENDOUT RATES				
				YR1	YR2	YR3	YR4	YR5
GENERAL ADMINISTRATION	135,753	143,000	139,000	89%	11%	0%	0%	0%
NATIONAL DRUG INTELLIGENCE CENTER	13	0	0	0%	0%	0%	0%	0%
JUSTICE INFORMATION SHARING TECHNOLOGY	52,324	100,000	34,000	90%	10%	0%	0%	0%
LAW ENFORCEMENT WIRELESS COMMUNICATIONS	1,155	0	0	0%	0%	0%	0%	0%
ADMINISTRATIVE REVIEW & APPEALS	336,356	517,000	496,000	89%	11%	0%	0%	0%
OFFICE OF THE INSPECTOR GENERAL	100,161	136,000	117,000	94%	6%	0%	0%	0%
WORKING CAPITAL FUND	1,503,986	1,892,000	1,373,000	100%	0%	0%	0%	0%
U.S. PAROLE COMMISSION	13,019	13,000	13,000	86%	14%	0%	0%	0%
NATIONAL SECURITY DIVISION	98,118	104,000	102,000	89%	11%	0%	0%	0%
GENERAL LEGAL ACTIVITIES	1,321,234	1,784,000	1,593,000	87%	11%	2%	0%	0%
U.S. ATTORNEYS	2,285,644	2,437,000	2,468,000	87%	10%	3%	0%	0%
FOREIGN CLAIMS SETTLEMENT COMMISSION	1,709	2,000	2,000	91%	8%	1%	0%	0%
U.S. MARSHALS SERVICE (Total)	2,703,500	2,871,000	2,904,000					
SALARIES & EXPENSES	1,246,397	1,311,000	1,316,000	90%	10%	0%	0%	0%
CONSTRUCTION	14,645	23,000	12,000	7%	43%	45%	5%	0%
FEDERAL PRISONER DETENTION	1,442,458	1,537,000	1,577,000	85%	15%	0%	0%	0%
COMMUNITY RELATIONS SERVICE	11,164	17,000	14,000	85%	11%	2%	2%	0%
ASSETS FORFEITURE FUND (Current Budget Authority)	18,349	20,000	16,000	40%	40%	20%	0%	0%
INTERAGENCY CRIME & DRUG ENFORCEMENT	553,342	531,000	568,000	75%	25%	0%	0%	0%
FEDERAL BUREAU OF INVESTIGATION (Total)	9,590,874	9,844,000	10,077,000					
SALARIES & EXPENSES	9,462,021	9,669,000	9,857,000	79%	13%	8%	0%	0%
CONSTRUCTION	128,853	175,000	220,000	10%	40%	45%	5%	0%
DRUG ENFORCEMENT ADMINISTRATION (Total)	2,587,742	2,597,000	2,705,000					
SALARIES & EXPENSES	2,582,880	2,597,000	2,705,000	75%	15%	10%	0%	0%
CONSTRUCTION	4,862	0	0	0%	0%	0%	0%	0%
BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES (Total)	1,342,694	1,348,000	1,381,000					
SALARIES & EXPENSES	1,342,557	1,348,000	1,381,000	87%	10%	2%	1%	0%
CONSTRUCTION	137	0	0	0%	0%	0%	0%	0%
FEDERAL PRISON SYSTEM (Total)	7,035,047	6,967,000	7,189,000					
SALARIES & EXPENSES	6,934,522	6,872,000	7,089,000	90%	10%	0%	0%	0%
BUILDINGS & FACILITIES	100,525	95,000	100,000	10%	40%	45%	5%	0%
FEDERAL PRISON INDUSTRIES	2,700	3,000	3,000	100%	0%	0%	0%	0%
COMMISSARY FUND	364,045	378,000	389,000	0%	0%	0%	0%	0%
OFFICE OF JUSTICE PROGRAMS (Total)	2,280,584	3,100,000	2,628,000					
RESEARCH, EVALUATION & STATISTICS	397,474	501,000	331,000	22%	38%	35%	5%	0%
JUVENILE JUSTICE PROGRAMS	247,742	336,000	257,000	22%	38%	35%	5%	0%
STATE & LOCAL LAW ENFORCEMENT ASSISTANCE	1,031,086	1,611,000	1,356,000	22%	38%	35%	5%	0%
COMMUNITY ORIENTED POLICING SERVICES	196,152	191,000	195,000	15%	20%	27%	31%	7%
PUBLIC SAFETY OFFICER BENEFITS	13,540	16,000	16,000	100%	0%	0%	0%	0%
OFFICE ON VIOLENCE AGAINST WOMEN	393,277	445,000	474,000	4%	26%	35%	21%	14%
SALARIES & EXPENSES	1,323	0	0	0%	0%	0%	0%	0%
SUBTOTAL, DISCRETIONARY OUTLAYS	31,972,779	34,423,000	33,820,000					
GENERAL LEGAL ACTIVITIES	0	25,000	28,000	87%	11%	2%	0%	0%
U.S. ATTORNEYS	25,484	159,000	37,000	100%	0%	0%	0%	0%
FEDERAL BUREAU OF INVESTIGATION	145,107	185,000	198,000	100%	0%	0%	0%	0%
DRUG ENFORCEMENT ADMINISTRATION	19,012	31,000	36,000	0%	0%	0%	0%	0%
BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES	0	14,000	29,000	0%	0%	0%	0%	0%
FEES & EXPENSES OF WITNESSES	227,672	468,000	266,000	70%	30%	0%	0%	0%
RADIATION EXPOSURE COMPENSATION TRUST FUND	62,754	60,000	56,000	80%	40%	0%	0%	0%
PUBLIC SAFETY OFFICER BENEFITS	112,060	124,000	72,000	100%	0%	0%	0%	0%
ASSETS FORFEITURE FUND (Permanent Budget Authority)	1,220,956	3,208,000	2,790,000	60%	20%	20%	0%	0%
DIVERSION CONTROL FEE (DEA)	344,046	413,000	432,000	75%	15%	10%	0%	0%
9/11 VICTIM COMPENSATION FUND	1,696,745	16,000	0	0%	0%	0%	0%	0%
VICTIMS COMPENSATION FUND	0	866,000	801,000	16%	15%	13%	13%	13%
DOMESTIC TRAFFICKING VICTIMS' FUND	241	3,000	5,000	22%	38%	35%	5%	0%
U.S. VICTIMS OF STATE SPONSORED TERRORISM FUND	0	1,128,000	170,000	0%	0%	0%	0%	0%
CRIME VICTIMS FUND	918,804	3,065,000	2,822,000	40%	25%	20%	15%	0%
SUBTOTAL, MANDATORY OUTLAYS	5,139,627	10,146,000	8,134,000					
ANTITRUST	180,869	165,000	165,000	80%	8%	2%	0%	0%
U.S. TRUSTEES	220,963	232,000	221,000	88%	8%	4%	0%	0%
SUBTOTAL, FEE-FUNDED OUTLAYS	401,832	397,000	386,000					
TOTAL, DEPARTMENT OF JUSTICE	\$37,514,238	\$44,986,000	\$42,340,000					

**U.S. DEPARTMENT OF JUSTICE
SUMMARY OF SELECTED EMPLOYMENT CATEGORIES
NUMBER OF POSITIONS¹**

ORGANIZATION	2016 Actual ²	2017 Continuing Resolution ³	2018 President's Budget ³	Change from 2017 CR to 2018 PB
ATTORNEYS				
GA	163	189	189	0
EOIR	633	681	831	150
OPA	12	11	11	0
OIG	29	30	30	0
USPC	4	7	7	0
NSD	237	254	243	-11
GENERAL LEGAL ACTIVITIES	2,898	3,173	3,003	-170
OSG	23	23	23	0
TAX	356	377	377	0
CRM	638	715	688	-27
CIV	1,021	1,143	1,023	-120
ENRD	439	439	431	-8
OLC	21	27	26	-1
CRT	399	447	433	-14
IPOL	1	2	2	0
ATR	326	380	335	-45
USA	5,813	6,408	6,708	300
USTP	377	436	360	-76
FCSC	5	5	5	0
USMS	22	25	25	0
CRS	4	2	2	0
FBI	218	240	224	-16
DEA ⁴	101	128	113	-15
ATF	82	81	80	-1
BOP	195	200	200	0
OJP	39	31	28	-3
COPS	8	11	8	-3
OVW	4	4	4	0
TOTAL ATTORNEYS	11,170	12,296	12,406	110

¹Includes positions funded from Interagency Crime and Drug Enforcement (ICDE) resources and other reimbursable sources, such as the Federal Bureau of Investigation (FBI) resources available from the Health Insurance Portability and Accountability Act of 1996.

²The totals listed reflect direct and reimbursable on-board positions at end-of-year 2016.

³The totals listed reflect direct and reimbursable authorized and requested position totals.

⁴DEA includes Diversion Control Personnel.

⁵U.S. Marshals criminal investigator pay class 0082 has been recategorized as "Deputy U.S. Marshal" (DUSM), but the pay class code (0082) has remained the same. DUSM totals include USMS pay series 0082 and 1811.

**U.S. DEPARTMENT OF JUSTICE
SUMMARY OF SELECTED EMPLOYMENT CATEGORIES
NUMBER OF POSITIONS ¹**

ORGANIZATION	2016 Actual ²	2017 Continuing Resolution ³	2018 President's Budget ³	Change from 2017 CR to 2018 PB
INTELLIGENCE ANALYSTS				
NSD	9	13	11	-2
GLA - CRM	1	0	0	0
USA	57	63	63	0
USMS	40	50	48	-2
FBI	3,115	3,284	3,184	-100
DEA ⁴	761	1,025	898	-127
ATF	166	180	179	-1
OJP	1	1	1	0
TOTAL INTELLIGENCE ANALYSTS	4,150	4,916	4,984	-232
SPECIAL AGENTS (INCLUDING DEPUTY U.S. MARSHALS)				
OIG	120	139	139	0
USA	43	42	42	0
USMS ⁵	3,712	4,309	3,883	-428
FBI	13,808	14,093	13,493	-600
DEA ⁴	4,519	5,202	4,677	-525
ATF	2,677	2,536	2,516	-20
TOTAL SPECIAL AGENTS/DEPUTY U.S. MARSHALS	24,879	26,321	24,750	-1,571
CORRECTIONAL OFFICERS				
BOP	18,646	20,921	19,073	-1,848
TOTAL CORRECTIONAL OFFICERS	18,646	20,921	19,073	-1,848

1 Includes positions funded from Interagency Crime and Drug Enforcement (ICDE) resources and other reimbursable sources, such as the Federal Bureau of Investigation (FBI) resources available from the Health Insurance Portability and Accountability Act of 1996.

2 The totals listed reflect direct and reimbursable on-board positions at end-of-year 2016.

3 The totals listed reflect direct and reimbursable authorized and requested position totals.

4 DEA includes Diversion Control Personnel.

5 U.S. Marshals criminal investigator pay class 0082 has been recategorized as "Deputy U.S. Marshal" (DUSM), but the pay class code (0082) has remained the same. DUSM totals include USMS pay series 0082 and 1811.

**U. S. DEPARTMENT OF JUSTICE
ORGANIZATIONAL ADJUSTMENTS TO BASE
FY 2018 TOTAL
(Dollars in Thousands)**

FY 2018 PRESIDENT'S BUDGET	GA	JIST	ADMIN REVIEW & APPEALS			OIG	USPC
			EOIR	OPA	TOTAL		
RESOURCES TRANSFERS							
Transfers - DHS Immigration Examination Fee Account	0	0	4,000	0	4,000	0	0
TOTAL TRANSFERS	0	0	4,000	0	4,000	0	0
DIRECT - INCREASES							
2018 Pay Raise - 1.9%	1,017	112	3,435	113	3,548	791	131
Administratively Determined Pay Plan - USA	0	0	0	0	0	0	0
Annualization of 2016 Approved Positions	0	0	0	0	0	0	0
Annualization of 2017 Pay Raise - 2.88%	1,078	60	1,706	78	1,784	389	217
Attrition and/or Administrative Savings	-57	-479	0	0	0	0	-486
Employees Compensation Fund	0	0	0	0	0	0	0
Health Insurance	229	33	988	60	1,048	248	66
Retirement FERS Revised Annuity Employees (RAE) Savings	0	0	0	0	0	0	0
Retirement	44	9	113	5	118	43	17
Total Pay & Benefits	2,311	-265	6,242	256	6,498	1,471	-55
GSA Rent	377	265	477	217	694	276	50
Guard Service	24	0	176	0	176	0	0
Moves - FY 2016 Non-Recur	0	0	0	0	0	0	0
Moves - Non-Recur	0	0	-2,938	0	-2,938	0	0
Moves	0	0	0	0	0	0	0
Total Domestic Rent & Facilities	401	265	-2,285	217	-2,088	276	50
Legacy Radio O&M	0	0	0	0	0	0	0
Security Investigations	0	0	0	0	0	50	5
Total Other Adjustments	0	0	0	0	0	60	5
Capital Security Cost Sharing	0	0	0	0	0	0	0
Education Allowance	0	0	0	0	0	0	0
Government Leased Quarters (GLQ)	0	0	0	0	0	0	0
ICASS	0	0	0	0	0	0	0
Interpol Dues	0	0	0	0	0	0	0
Post Allowance - Cost of Living Allowance (COLA)	0	0	0	0	0	0	0
State Department Passport Costs	0	0	0	0	0	0	0
Sydney Consulate Relocation Project Cost Sharing	0	0	0	0	0	0	0
Total Foreign Expenses	0	0	0	0	0	0	0
Annualization of New Facilities	0	0	0	0	0	0	0
Contract Confinement Adjustment - BOP	0	0	0	0	0	0	0
Food Cost Adjustments - BOP	0	0	0	0	0	0	0
Jail Day Increase - FPD	0	0	0	0	0	0	0
Medical Cost Adjustments - BOP	0	0	0	0	0	0	0
Population Adjustments - BOP	0	0	0	0	0	0	0
Utility Costs Adjustments - BOP	0	0	0	0	0	0	0
Total Prison and Detention	0	0	0	0	0	0	0
TOTAL DIRECT INCREASES	2,712	0	3,557	473	4,430	1,797	0
DIRECT - DECREASES							
Non-Recrual - Headquarters and TEDAC	0	0	0	0	0	0	0
Non-Recrual of USP Letcher	0	0	0	0	0	0	0
Total Direct Decreases	0	0	0	0	0	0	0
TOTAL RESOURCES	2,712	0	7,957	473	8,430	1,797	0
Total FTE Adjustments	-127	-11	0	-2	-2	-4	-18
Total Position Adjustments	-131	-11	0	-3	-3	-4	-32

**U. S. DEPARTMENT OF JUSTICE
ORGANIZATIONAL ADJUSTMENTS TO BASE
FY 2018 TOTAL
(Dollars in Thousands)**

FY 2018 PRESIDENT'S BUDGET	NSD	GENERAL LEGAL ACTIVITIES					
		OSG	TAX	CRM	CIVIL	ENRD	OLC
RESOURCES TRANSFERS							
Transfers - DHS Immigration Examination Fee Account	0	0	0	0	0	0	0
TOTAL TRANSFERS	0	0	0	0	0	0	0
DIRECT - INCREASES							
2018 Pay Raise - 1.9%	872	144	1,130	1,544	2,705	902	112
Administratively Determined Pay Plan - USA	0	0	0	0	0	0	0
Annualization of 2016 Approved Positions	0	0	0	0	0	0	0
Annualization of 2017 Pay Raise - 2.88%	382	57	506	842	1,207	492	45
Attrition and/or Administrative Savings	-578	-247	-2,288	-7,768	-8,006	-8,233	-250
Employees Compensation Fund	0	0	26	0	21	8	0
Health Insurance	258	36	220	316	815	290	62
Retirement FERS Revised Annuity Employees (RAE) Savings	0	0	0	0	0	0	0
Retirement	86	28	117	175	298	116	0
Total Pay & Benefits	1,022	18	-289	-4,881	-2,960	-4,425	-31
GSA Rent	2,060	32	251	2,292	0	42	32
Guard Service	0	1	16	101	1,182	35	1
Moves - FY 2016 Non-Recur	0	0	0	0	0	0	0
Moves - Non-Recur	0	0	0	0	0	0	0
Moves	3,129	0	0	3,680	0	7,828	0
Total Domestic Rent & Facilities	5,189	33	267	6,073	1,182	7,905	33
Legacy Radio O&M	0	0	0	0	0	0	0
Security Investigations	0	3	103	147	0	18	34
Total Other Adjustments	0	3	103	147	0	18	34
Capital Security Cost Sharing	0	0	0	-572	-15	0	0
Education Allowance	0	0	0	0	0	0	0
Government Leased Quarters (GLQ)	0	0	0	0	0	0	0
ICASS	0	0	0	58	7	0	0
Interpol Dues	0	0	0	0	0	0	0
Post Allowance - Cost of Living Allowance (COLA)	0	0	0	0	0	0	0
State Department Passport Costs	1	0	1	4	2	0	0
Sydney Consulate Relocation Project Cost Sharing	0	0	0	0	0	0	0
Total Foreign Expenses	1	0	1	-510	-6	0	0
Annualization of New Facilities	0	0	0	0	0	0	0
Contract Confinement Adjustment - BOP	0	0	0	0	0	0	0
Food Cost Adjustments - BOP	0	0	0	0	0	0	0
Jail Day Increase - FPD	0	0	0	0	0	0	0
Medical Cost Adjustments - BOP	0	0	0	0	0	0	0
Population Adjustments - BOP	0	0	0	0	0	0	0
Utility Costs Adjustments - BOP	0	0	0	0	0	0	0
Total Prison and Detention	0	0	0	0	0	0	0
TOTAL DIRECT INCREASES	6,212	54	82	819	-1,784	3,498	36
DIRECT - DECREASES							
Non-Recrural - Headquarters and TEDAC	0	0	0	0	0	0	0
Non-Recrural of USP Letcher	0	0	0	0	0	0	0
Total Direct Decreases	0	0	0	0	0	0	0
TOTAL RESOURCES	6,212	54	82	819	-1,784	3,498	36
Total FTE Adjustments	3	-8	-35	-3	-69	-9	5
Total Position Adjustments	-31	-7	-140	-88	-205	-20	-1

**U. S. DEPARTMENT OF JUSTICE
ORGANIZATIONAL ADJUSTMENTS TO BASE
FY 2018 TOTAL
(Dollars in Thousands)**

FY 2018 PRESIDENT'S BUDGET	GENERAL LEGAL ACTIVITIES cont'd			ATR	USA	USTP	FCSC
	CIVIL RIGHTS	IPOL	TOTAL GLA				
RESOURCES TRANSFERS							
Transfers - DHS Immigration Examination Fee Account	0	0	0	0	0	0	0
TOTAL TRANSFERS	0	0	0	0	0	0	0
DIRECT - INCREASES							
2018 Pay Raise - 1.9%	1,336	137	8,010	1,620	18,576	2,294	22
Administratively Determined Pay Plan - USA	0	0	0	0	10,116	0	0
Annualization of 2016 Approved Positions	0	0	0	0	250	0	0
Annualization of 2017 Pay Raise - 2.88%	781	66	3,996	676	9,315	1,165	12
Attrition and/or Administrative Savings	-2,445	-1,045	-28,282	-3,060	-8,438	-4,625	-46
Employees Compensation Fund	30	0	85	0	24	0	0
Health Insurance	331	35	2,105	495	5,534	868	52
Retirement FERS Revised Annuity Employees (RAE) Savings	0	0	0	0	0	0	0
Retirement	135	12	881	148	1,302	227	0
Total Pay & Benefits	168	-795	-13,205	-121	36,679	-71	40
GSA Rent	0	17	2,866	45	933	0	0
Guard Service	0	0	1,336	61	1,742	71	0
Moves - FY 2016 Non-Recur	0	0	0	0	0	0	0
Moves - Non-Recur	0	0	0	0	-4,251	0	0
Moves	0	0	11,508	0	0	0	0
Total Domestic Rent & Facilities	0	17	15,510	106	-1,576	71	0
Legacy Radio O&M	0	0	0	0	0	0	0
Security Investigations	0	8	313	15	0	0	0
Total Other Adjustments	0	8	313	15	0	0	0
Capital Security Cost Sharing	0	0	-587	0	0	0	0
Education Allowance	0	0	0	0	0	0	0
Government Leased Quarters (GLQ)	0	0	0	0	0	0	0
ICASS	0	0	65	0	0	0	0
Interpol Dues	0	1,920	1,920	0	0	0	0
Post Allowance - Cost of Living Allowance (COLA)	0	0	0	0	0	0	0
State Department Passport Costs	0	1	8	0	0	0	0
Sydney Consulate Relocation Project Cost Sharing	0	0	0	0	0	0	0
Total Foreign Expenses	0	1,921	1,408	0	0	0	0
Annualization of New Facilities	0	0	0	0	0	0	0
Contract Confinement Adjustment - BOP	0	0	0	0	0	0	0
Food Cost Adjustments - BOP	0	0	0	0	0	0	0
Jail Day Increase - FPD	0	0	0	0	0	0	0
Medical Cost Adjustments - BOP	0	0	0	0	0	0	0
Population Adjustments - BOP	0	0	0	0	0	0	0
Utility Costs Adjustments - BOP	0	0	0	0	0	0	0
Total Prison and Detention	0	0	0	0	0	0	0
TOTAL DIRECT INCREASES	168	1,151	4,024	0	35,103	0	40
DIRECT - DECREASES							
Non-Recrual - Headquarters and TEDAC	0	0	0	0	0	0	0
Non-Recrual of USP Letcher	0	0	0	0	0	0	0
Total Direct Decreases	0	0	0	0	0	0	0
TOTAL RESOURCES	168	1,151	4,024	0	35,103	0	40
Total FTE Adjustments	-13	3	-129	1	0	-166	0
Total Position Adjustments	-121	-5	-587	[-135]	0	[-286]	0

**U. S. DEPARTMENT OF JUSTICE
ORGANIZATIONAL ADJUSTMENTS TO BASE
FY 2018 TOTAL
(Dollars in Thousands)**

FY 2018 PRESIDENT'S BUDGET	U.S. Marshals Service			CRS	ICDE		
	S&E	FPD	TOTAL		S&E	FTE	TOTAL
RESOURCES TRANSFERS							
Transfers - DHS Immigration Examination Fee Account	0	0	0	0	0	0	0
TOTAL TRANSFERS	0	0	0	0	0	0	0
DIRECT - INCREASES							
2018 Pay Raise - 1.9%	10,491	30	10,521	130	4,268	0	4,268
Administratively Determined Pay Plan - USA	0	0	0	0	0	0	0
Annualization of 2016 Approved Positions	0	0	0	0	0	0	0
Annualization of 2017 Pay Raise - 2.88%	4,941	28	4,969	52	2,876	0	2,876
Attrition and/or Administrative Savings	-16,882	0	-16,882	-272	0	0	0
Employees Compensation Fund	0	0	0	23	0	0	0
Health Insurance	3,702	2	3,704	44	1,631	0	1,631
Retirement FERS Revised Annuity Employees (RAE) Savings	0	0	0	0	0	0	0
Retirement	771	4	775	0	245	0	245
Total Pay & Benefits	3,023	64	3,087	-23	9,020	0	9,020
GSA Rent	3,755	0	3,755	0	170	0	170
Guard Service	548	0	548	23	22	0	22
Moves - FY 2016 Non-Recur	-17,181	0	-17,181	0	0	0	0
Moves - Non-Recur	0	0	0	0	0	0	0
Moves	5,803	0	5,803	0	0	0	0
Total Domestic Rent & Facilities	-7,076	0	-7,076	23	192	0	192
Legacy Radio O&M	194	0	194	0	0	0	0
Security Investigations	519	0	519	0	0	0	0
Total Other Adjustments	713	0	713	0	0	0	0
Capital Security Cost Sharing	-31	0	-31	0	0	0	0
Education Allowance	38	0	38	0	0	0	0
Government Leased Quarters (GLQ)	109	0	109	0	0	0	0
ICASS	44	0	44	0	0	0	0
Interpol Dues	0	0	0	0	0	0	0
Post Allowance - Cost of Living Allowance (COLA)	172	0	172	0	0	0	0
State Department Passport Costs	35	0	35	0	0	0	0
Sydney Consulate Relocation Project Cost Sharing	0	0	0	0	0	0	0
Total Foreign Expenses	367	0	367	0	0	0	0
Annualization of New Facilities	0	0	0	-0	0	0	0
Contract Confinement Adjustment - BOP	0	0	0	0	0	0	0
Food Cost Adjustments - BOP	0	0	0	0	0	0	0
Jail Day Increase - FPD	0	33,772	33,772	0	0	0	0
Medical Cost Adjustments - BOP	0	0	0	0	0	0	0
Population Adjustments - BOP	0	0	0	0	0	0	0
Utility Costs Adjustments - BOP	0	0	0	0	0	0	0
Total Prison and Detention	0	33,772	33,772	0	0	0	0
TOTAL DIRECT INCREASES	-2,972	33,836	30,864	0	9,212	0	9,212
DIRECT - DECREASES							
Non-Recrural - Headquarters and TEDAC	0	0	0	0	0	0	0
Non-Recrural of USP Letcher	0	0	0	0	0	0	0
Total Direct Decreases	0	0	0	0	0	0	0
TOTAL RESOURCES	-2,972	33,836	30,864	0	9,212	0	9,212
Total FTE Adjustments	-82	0	-82	-4	[-12]	-1	-1
Total Position Adjustments	-612	0	-612	-20	[-65]	-1	-1

**U. S. DEPARTMENT OF JUSTICE
ORGANIZATIONAL ADJUSTMENTS TO BASE
FY 2018 TOTAL
(Dollars in Thousands)**

FY 2018 PRESIDENT'S BUDGET	FEDERAL BUREAU OF INVESTIGATION			DEA	ATF	FEDERAL PRISON SYSTEM		
	S&E	CONST	TOTAL			S&E	B&F	TOTAL
RESOURCES TRANSFERS								
Transfers - DHS Immigration Examination Fee Account	0	0	0	0	0	0	0	0
TOTAL TRANSFERS	0	0	0	0	0	0	0	0
DIRECT - INCREASES								
2018 Pay Raise - 1.9%	69,959	0	69,959	13,719	11,256	56,425	117	56,542
Administratively Determined Pay Plan - USA	0	0	0	0	0	0	0	0
Annualization of 2016 Approved Positions	0	0	0	0	0	0	0	0
Annualization of 2017 Pay Raise - 2.88%	35,026	0	35,026	6,862	7,568	26,482	71	26,553
Attrition and/or Administrative Savings	-67,496	0	-67,496	0	-11,124	-127,052	0	-127,052
Employees Compensation Fund	680	0	680	158	45	0	0	0
Health Insurance	25,611	0	25,611	5,308	3,855	31,651	45	31,696
Retirement FERS Revised Annuity Employees (RAE) Savings	-2,374	0	-2,374	0	0	0	0	0
Retirement	5,510	0	5,510	1,621	953	5,628	15	5,643
Total Pay & Benefits	66,916	0	66,916	27,668	12,553	-6,866	248	-6,618
GSA Rent	7,159	0	7,159	3,748	4,324	0	0	0
Guard Service	2	0	2	147	256	0	0	0
Moves - FY 2016 Non-Recur	0	0	0	0	0	0	0	0
Moves - Non-Recur	0	0	0	-1,852	0	0	0	0
Moves	54,624	0	54,624	44,494	4,549	20,383	0	20,383
Total Domestic Rent & Facilities	61,785	0	61,785	46,537	9,129	20,383	0	20,383
Legacy Radio O&M	2,879	0	2,879	724	500	0	0	0
Security Investigations	1,666	0	1,666	2,004	0	0	0	0
Total Other Adjustments	4,545	0	4,545	2,728	500	0	0	0
Capital Security Cost Sharing	-7,508	0	-7,508	-13,804	-160	0	0	0
Education Allowance	0	0	0	0	0	0	0	0
Government Leased Quarters (GLQ)	0	0	0	0	0	0	0	0
ICASS	1,632	0	1,632	2,850	62	0	0	0
Interpol Dues	0	0	0	0	0	0	0	0
Post Allowance - Cost of Living Allowance (COLA)	0	0	0	0	0	0	0	0
State Department Passport Costs	368	0	368	174	19	0	0	0
Sydney Consulate Relocation Project Cost Sharing	3,461	0	3,461	897	0	0	0	0
Total Foreign Expenses	-2,047	0	-2,047	-9,893	-79	0	0	0
Annualization of New Facilities	0	0	0	0	0	80,000	0	80,000
Contract Confinement Adjustment - BOP	0	0	0	0	0	2,754	0	2,754
Food Cost Adjustments - BOP	0	0	0	0	0	3,660	0	3,660
Jail Day Increase - FPD	0	0	0	0	0	0	0	0
Medical Cost Adjustments - BOP	0	0	0	0	0	34,370	0	34,370
Population Adjustments - BOP	0	0	0	0	0	10,394	0	10,394
Utility Costs Adjustments - BOP	0	0	0	0	0	5,262	0	5,262
Total Prison and Detention	0	0	0	0	0	136,440	0	136,440
TOTAL DIRECT INCREASES	131,199	0	131,199	67,040	22,103	149,957	248	150,205
DIRECT - DECREASES								
Non-Recurral - Headquarters and TEDAC	0	-240,000	-240,000	0	0	0	0	0
Non-Recurral of USP Letcher	0	0	0	0	0	0	-444,000	-444,000
Total Direct Decreases	0	-240,000	-240,000	0	0	0	-444,000	-444,000
TOTAL RESOURCES	131,199	-240,000	-108,801	67,040	22,103	149,957	-443,752	-293,795
Total FTE Adjustments	-1,843	0	-1,843	0	-42	-790	-56	-846
Total Position Adjustments	-2,095	0	-2,095	-1,350	-42	-5,946	-186	-6,132

**U. S. DEPARTMENT OF JUSTICE
ORGANIZATIONAL ADJUSTMENTS TO BASE
FY 2018 TOTAL
(Dollars in Thousands)**

FY 2018 PRESIDENT'S BUDGET	Subtotal DISC w/o S&L	OJP S&E	COPS S&E	OVW S&E	TOTAL DISCR Final	Diversion Control	TOTAL DOJ
RESOURCES TRANSFERS							
Transfers - DHS Immigration Examination Fee Account	4,000	0	0	0	4,000	0	4,000
TOTAL TRANSFERS	4,000	0	0	0	4,000	0	4,000
DIRECT - INCREASES							
2018 Pay Raise - 1.9%	203,388	[1,511]	[254]	[174]	203,388	2,859	206,247
Administratively Determined Pay Plan - USA	10,116	0	0	0	10,116	0	10,116
Annualization of 2016 Approved Positions	250	0	0	0	250	0	250
Annualization of 2017 Pay Raise - 2.88%	102,980	[807]	[102]	[66]	102,980	1,543	104,523
Attrition and/or Administrative Savings	-268,877	[-2,893]	[-492]	[-304]	-268,877	0	-268,877
Employees Compensation Fund	1,015	0	[10]	0	1,015	24	1,039
Health Insurance	82,785	[351]	0	0	82,785	930	83,716
Retirement FERS Revised Annuity Employees (RAE) Savings	-2,374	0	[68]	[13]	-2,374	0	-2,374
Retirement	17,624	[54]	0	0	17,624	237	17,861
Total Pay & Benefits	146,907	[-170]	[-50]	[-37]	146,907	5,693	152,500
GSA Rent	26,522	[170]	[50]	[30]	26,522	572	27,084
Guard Service	4,408	0	0	0	4,408	22	4,430
Moves - FY 2016 Non-Recur	-17,181	0	0	0	-17,181	0	-17,181
Moves - Non-Recur	-9,041	0	0	0	-9,041	-256	-9,297
Moves	144,490	0	0	0	144,490	7,770	152,260
Total Domestic Rent & Facilities	149,198	[170]	[50]	[30]	149,198	8,108	157,306
Legacy Radio O&M	4,297	0	0	0	4,297	13	4,310
Security Investigations	4,572	0	0	0	4,572	342	4,914
Total Other Adjustments	8,869	0	0	[7]	8,869	366	9,224
Capital Security Cost Sharing	-22,090	0	0	0	-22,090	-175	-22,265
Education Allowance	38	0	0	0	38	0	38
Government Leased Quarters (GLQ)	109	0	0	0	109	0	109
ICASS	4,653	0	0	0	4,653	36	4,689
Interpol Dues	1,920	0	0	0	1,920	0	1,920
Post Allowance - Cost of Living Allowance (COLA)	172	0	0	0	172	0	172
State Department Passport Costs	606	0	0	0	606	3	609
Sydney Consulate Relocation Project Cost Sharing	4,348	0	0	0	4,348	0	4,348
Total Foreign Expenses	-10,245	0	0	0	-10,245	-138	-10,381
Annualization of New Facilities	80,000	0	0	0	80,000	0	80,000
Contract Confinement Adjustment - BOP	2,754	0	0	0	2,754	0	2,754
Food Cost Adjustments - BOP	3,660	0	0	0	3,660	0	3,660
Jail Day Increase - FPD	33,772	0	0	0	33,772	0	33,772
Medical Cost Adjustments - BOP	34,370	0	0	0	34,370	0	34,370
Population Adjustments - BOP	10,394	0	0	0	10,394	0	10,394
Utility Costs Adjustments - BOP	5,262	0	0	0	5,262	0	5,262
Total Prison and Detention	170,212	0	0	0	170,212	0	170,212
TOTAL DIRECT INCREASES	464,941	0	0	0	464,941	13,920	478,861
DIRECT - DECREASES							
Non-Recurral - Headquarters and TEDAC	-240,000	0	0	0	-240,000	0	-240,000
Non-Recurral of USP Letcher	-444,000	0	0	0	-444,000	0	-444,000
Total Direct Decreases	-684,000	0	0	0	-684,000	0	-684,000
TOTAL RESOURCES	-216,059	0	0	0	-216,059	13,920	-201,139
Total FTE Adjustments	-3,258	4	-16	-10	-3,280	0	-3,280
Total Position Adjustments	-11,061	-76	-86	-16	-11,228	0	-11,228

FY 2018 APPROPRIATIONS LANGUAGE CHANGES
U.S. Department of Justice

Table 1 describes substantive changes to Department of Justice appropriations language, using the FY 2016 enacted budget (P.L. 114-113) as the starting point. New language is *italicized and underlined*, and language proposed for deletion noted with the ~~striketrough~~ function. Changes such as new funding levels, changes in references to fiscal years, minor program name changes, deletion of references to emergency funding designations and prior year rescissions are not discussed.

Note.—A full-year 2017 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Further Continuing Appropriations Act, 2017 (P.L. 114-254). The amounts included for 2017 reflect the annualized level provided by the continuing resolution.

Table 1
FY 2018 PROPOSED APPROPRIATION LANGUAGE CHANGES

Program	Language Changes
Administrative Review and Appeals	<p>For expenses necessary for the administration of and executive clemency petitions and immigration-related activities, \$426,794,000 <u>\$505,367,000</u>, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account: <i>Provided</i>, That of the amount available for the Executive Office for Immigration Review, not to exceed \$15,000,000 <u>\$35,000,000</u> shall remain available until expended.</p> <p>EXPLANATION: 1) Language change has been made to clarify that Presidential "pardons" are a form of executive clemency, and therefore it is more accurate to describe the work of the Office of the Pardon Attorney as "the administration of executive clemency petitions."</p> <p>2) An increase in EOIR's carryover authority is provided to enhance EOIR's operational flexibility with respect to hiring, IT purchases, and other operational needs.</p>
Interagency Crime and Drug Enforcement	<p>For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking <u>organizations</u>, <u>recognized transnational organized crime</u>, and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in <u>recognized transnational organized crime</u> <u>and</u> drug trafficking, \$542,000,000 <u>\$526,000,000</u>, of which \$50,000,000 shall remain available until expended: <i>Provided</i>, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.</p> <p>EXPLANATION: The Transnational Organized Crime Program targets many transnational criminal organizations that are heavily involved in drug trafficking or drug-related money laundering, but it also targets dangerous poly-criminal</p>

Program	Language Changes
<p>Interagency Crime and Drug Enforcement (cont'd)</p>	<p>networks that may not derive significant proceeds from drug trafficking but whose criminal activities – such as human trafficking, cybercrime, weapons trafficking, terrorism, public corruption – nevertheless threaten U.S. interests. The DOJ International Organized Crime Intelligence and Operations Center (IOC-2) is operated by the OCDETF Program. The language change is requested to clarify that OCDETF has full programmatic authority to engage in non-drug-centric TOC investigations of the highest priority TOC organizations and networks at IOC-2.</p> <p>Since its inception, OCDETF's primary mission has been to investigate and prosecute the major criminal organizations that are most responsible for the illicit drug supply in the United States. As such, OCDETF has been the centerpiece of the Department of Justice's long-term intra- and inter-agency drug enforcement strategy. In recent years, though, many of the targeted criminal organizations have evolved to become poly-criminal, transnational organizations that also engage in other criminal activity that threatens U.S. public safety and national security interests. As the threat has evolved, so has the OCDETF Program. Since 2011, OCDETF has continued to focus its efforts against the largest national and international criminal organizations engaged in high level drug trafficking and drug-related violence and money laundering, and it has also been an integral part of the Administration's 2011 <i>Strategy to Combat Transnational Organized Crime (TOC Strategy)</i> and the Department of Justice's 2008 <i>Law Enforcement Strategy to Combat International Organized Crime</i>.</p>
<p>Federal Bureau of Investigation, Construction</p>	<p>For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; and preliminary planning and design of projects; <u>and operation and maintenance and development of secure work environment facilities and secure networking capabilities; \$51,895,000 \$308,982,000</u>, to remain available until expended.</p> <p>EXPLANATION: Language change proposed for FY 2018 will allow the FBI to pay for Secure Work Environment operations and maintenance costs from this account.</p>
<p>Office of Justice Programs State and Local Law Enforcement Assistance</p>	<p>For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); <u>title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351)</u> ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) ("the 2002 Act"); <u>the Public Safety Officer Medal of Valor Act of 2001 (Public Law 107-12)</u>; the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources</p>

Program	Language Changes
Office of Justice Programs State and Local Law Enforcement Assistance (cont'd)	<p>and Organization for Intellectual Property Act of 2008 (Public Law 110-403); the Victims of Crime Act of 1984 (<i>chapter XIV of title II of Public Law 98-473; 42 U.S.C. 10601</i>) (<i>"the 1984 Act"</i>); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-446); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) (<i>"the 2013 Act"</i>); <i>the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114-198)</i>; and other programs, \$1,408,500,000, \$940,500,000, of which \$73,000,000 shall be derived by transfer from amounts available for obligation under this Act from the Fund established by section 1402 of the 1984 Act, notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading, all to remain available until expended as follows—</p> <p>(1) \$476,000,000 <u>\$332,500,000</u> for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1,—</p> <p>(A) \$15,000,000 is for an Officer Robert Wilson III memorial initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR);;</p> <p>(B) \$4,000,000 is for use by the National Institute of Justice for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention;;</p> <p>(C) \$5,000,000 is for an initiative to support evidence-based policing;;</p> <p>(D) \$2,500,000 <u>\$4,000,000</u> is for an initiative to enhance prosecutorial decision-making;;</p> <p>(E) <u>\$22,500,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local and tribal law enforcement; and</u></p> <p>(F) <u>\$22,500,000 is for the matching grant program for law enforcement armor vests, as authorized by section 2501 of the 1968 Act; Provided, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;</u></p> <p>\$100,000,000 is for grants for law enforcement activities associated with the presidential nominating conventions, and \$2,400,000 is for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System;</p> <p>(2) \$210,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)); Provided, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;</p> <p><u>(2) Of the amounts derived by the transfer from the Fund established by section 1402 of the 1984 Act—</u></p> <p>(3)(A) <u>(3)(A)</u> \$45,000,000 <u>is</u> for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386, for programs authorized under <u>by</u> Public Law 109-164, or programs authorized under <u>by</u> Public Law 113-4;</p>

Program	Language Changes
Office of Justice Programs State and Local Law Enforcement Assistance (cont'd)	<p><u>(B) \$20,000,000 is for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities; and</u> <u>(C) \$8,000,000 is for an initiative relating to children exposed to violence;</u></p> <p>(4)(3) <u>\$42,000,000</u> \$40,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;</p> <p>(5)(4) \$10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416) <u>notwithstanding section 2991(e) of such Act of 1968;</u></p> <p>(6)(5) \$12,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;</p> <p>(7)(6) \$2,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405, and for grants for a wrongful conviction review <u>program and related activities;</u></p> <p>(8)(7) <u>\$43,000,000</u> \$11,000,000 for a <u>grant program to prevent and address</u> economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110-403;</p> <p>(9) \$22,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110-315;</p> <p>(10) \$20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;</p> <p>(11) \$8,000,000 for an initiative relating to children exposed to violence;</p> <p>(12) \$22,500,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: <u>Provided,</u> That \$1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;</p> <p>(13)(8) \$1,000,000 for the National Sex Offender Public Website;</p> <p>(14)(9) <u>\$6,500,000</u> \$70,000,000 for competitive and evidence-based programs to reduce gun crime and gang violence;</p> <p>(15)(10) <u>\$73,000,000</u> \$68,000,000 is for grants to States to upgrade criminal and mental health records <u>and records systems</u> for the National Instant Criminal Background Check System: <u>Provided, That, to the extent warranted by meritorious applications,</u> of which no less than \$25,000,000 shall be for grants made under the <u>authorities authority</u> of the NICS Improvement Amendments Act of 2007 (Public Law 110-180) <u>shall be given priority, and that in no event shall less than \$15,000,000 be awarded under such authority;</u></p> <p>(16)(11) <u>\$43,500,000</u> \$13,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act; <u>of which, notwithstanding such part BB, \$2,400,000 is for the operationalization, maintenance, and expansion of the National Missing and Unidentified Persons System;</u></p> <p>(17)(12) <u>\$425,000,000</u> \$105,000,000 for DNA-related and forensic programs and activities, of which—</p> <p>(A) <u>\$417,000,000</u> \$97,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546) (the Debbie</p>

Program	Language Changes
Office of Justice Programs State and Local Law Enforcement Assistance (cont'd)	<p>Smith DNA Backlog Grant Program): <i>Provided</i>, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108-405, section 303);</p> <p>(B) \$4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412); and</p> <p>(C) \$4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108-405;</p> <p>(18)(13) \$45,000,000 for a grant program for community-based sexual assault response reform;</p> <p>(19)(14) \$9,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;</p> <p>(20) \$30,000,000 for assistance to Indian tribes;</p> <p>(24)(15) \$68,000,000 \$48,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110-199), without regard to the time limitations specified at section 6(1) of such Act thereof, of which, <i>notwithstanding such Act of 2007</i>, not to exceed-</p> <p>(A) \$6,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies;;</p> <p>(B) \$5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy; and</p> <p>(C) \$4,000,000 is for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, <i>parole, or similar settings</i>, and for a research project on the effectiveness of the model: <i>Provided</i>, That up to \$7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to \$5,000,000 shall <i>may</i> be for Pay for Success programs implementing the Permanent Supportive Housing Model: <i>Provided further, That, with respect to the previous proviso, any funds obligated for such projects shall remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a); Provided further, That, with respect to the first proviso (or any other similar projects funded in prior appropriations), any deobligated funds from such projects shall immediately be available for activities authorized under the Second Chance Act of 2007 (Public Law 110-199);</i></p> <p>(22)(16) \$6,000,000 for a veterans treatment courts program;</p> <p>(23)(17) \$43,000,000 \$12,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;</p> <p>(24)(18) \$40,500,000 \$15,500,000 for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79);</p> <p>(25)(19) \$75,000,000 \$20,000,000 for the Comprehensive School Safety Initiative: <i>Provided</i>, That section 213210 of this Act shall not apply with respect to the amount made available in this paragraph; and</p> <p>(26) \$70,000,000 for initiatives to improve police-community relations, of which \$22,500,000 is for a competitive matching grant program for purchases of body worn cameras for State, local and tribal law enforcement, \$27,500,000 is for a justice reinvestment initiative, for activities related to criminal justice</p>

Program	Language Changes
<p>Office of Justice Programs State and Local Law Enforcement Assistance (cont'd)</p>	<p>reform and recidivism reduction, \$5,000,000 is for research and statistics on body-worn cameras and community trust issues, and <u>(20) \$22,000,000 for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction;</u> \$15,000,000 is for an Edward Byrne Memorial criminal justice innovation program: <u>(21) \$5,000,000 for a program of technical and related assistance to reduce violence in jurisdictions experiencing significant amounts of violent crime; and</u> <u>(22) \$20,000,000 for the Comprehensive Opioid Abuse Grant Program as authorized by part LL of the 1968 Act, and related activities.</u> Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.</p> <p>EXPLANATION: Key programs funded under this appropriation account include:</p> <p>Adam Walsh Act Program - To support the efforts of jurisdictions that are implementing the provisions of the Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Act.</p> <p>Byrne Justice Assistance Grants (JAG) - To support a broad range of activities by state, local, and tribal governments to prevent and control crime based on local needs.</p> <p>Community Teams to Address the Sexual Assault Kit (SAK) Backlog - To address a common gap in response to rape and sexual assault at the state, local, and tribal levels by promoting timely resolution of cases associated with sexual assault kits (SAKs) that have never been submitted or are backlogged at crime labs for forensic DNA testing.</p> <p>National Crime Reduction Assistance (NCRA) Network - To offer a comprehensive approach to accessing DOJ training, technical assistance, and expertise to support the development of innovative violence reduction strategies in the nation's most violent cities.</p> <p>National Criminal History Improvement Program (NCHIP) - To improve the nation's safety and security by enhancing the quality of electronic criminal history record information and by ensuring the nationwide implementation of effective background check systems.</p> <p>Prison Rape Elimination Act (PREA) Program - To prevent, detect, and respond to sexual abuse in all state, local, and tribal confinement facilities by helping correctional facilities implement the national PREA standards and monitor the incidence of sexual misconduct in their facilities.</p>

Program	Language Changes
Office of Justice Programs, Juvenile Justice	<p>For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415) ("the 1974 Act"); title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Missing Children's Assistance Act (title IV of Public Law 93-415) (42 U.S.C. 5774 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401) ("the 2008 Act"); the Victims of Crime Act of 1984 (chapter XIV of title II of Public Law 98-473) ("the 1984 Act"); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) ("the 2013 Act"); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114-198); and other juvenile justice programs, \$270,460,000\$229,500,000, of which \$92,000,000 shall be derived by transfer from amounts available for obligation under this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (42 U.S.C. 10601), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading, all, to remain available until expended as follows—</p> <p>(1) \$58,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process; <i>Provided</i>, That of the amounts provided under this paragraph, \$500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities; <i>Provided further</i>, That notwithstanding sections 103(26) and 223(a)(11)(A) of the 1974 Act, for purposes of funds appropriated in this Act—</p> <p>(A) the term "adult inmate" shall be understood to mean an individual who has been arrested and is in custody as the result of being charged as an adult with a crime, but shall not be understood to include anyone under the care and custody of a juvenile detention or correctional agency, or anyone who is in custody as the result of being charged with or having committed an offense described in section 223(a)(11)(A) of the 1974 Act;</p> <p>(B) the juveniles described in section 223(a)(11)(A) of the 1974 Act who have been charged with or who have committed an offense that would not be criminal if committed by an adult shall be understood to include individuals under 18 who are charged with or who have committed an offense of purchase, consumption, or possession of any alcoholic beverage or tobacco product; and</p> <p>(C) section 223(a)(11)(A)(ii) of the 1974 Act shall apply only to those individuals described in section 223(a)(11)(A) who, while remaining under the jurisdiction of the court on the basis of the offense described therein, are charged with or commit a violation of a valid court order thereof;</p> <p>(2) \$90,000,000\$58,000,000 for youth mentoring grants programs;</p> <p>(3) \$47,500,000\$17,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—</p> <p>(A) \$10,000,000 shall be for the Tribal Youth Program;</p> <p>(B) (A) \$5,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities;</p>

Program	Language Changes
Office of Justice Programs, Juvenile Justice (cont'd)	<p>(C) (B) \$500,000 shall be for an Internet site providing information and resources on children of incarcerated parents; and</p> <p>(D) (C) \$2,000,000 shall be for competitive grants programs focusing on girls in the juvenile justice system;</p> <p>(4) Of the amounts derived by transfer from the Fund established by section 1402 of the 1984 Act—</p> <p>(A) \$20,000,000 is for programs authorized by the Victims of Child Abuse Act of 1990 Act, except that section 213(e) of the 1990 Act shall not apply for purposes of this Act;</p> <p>(B) \$72,000,000 is for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the 2008 Act shall not apply for purposes of this Act);</p> <p>(5) \$8,000,000 for community-based violence prevention initiatives, including for public health approaches to reducing shootings and violence;</p> <p>(6) \$72,160,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110-401) shall not apply for purposes of this Act);</p> <p>(7)(5) \$2,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and</p> <p>(8)(6) \$2,500,000 for a-grants and training programs to improve juvenile indigent defense:</p> <p><i>Provided</i>, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: <i>Provided further</i>, That not more than 2 percent of the amounts designated under paragraphs (1) through (4) and (7) may be used for training and technical assistance: <i>Provided</i>, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities related to juvenile justice and delinquency prevention: <i>Provided further</i>, That not more than 2 percent of each amount designated, other than as expressly authorized by statute, may be used for training and technical assistance related to juvenile justice and delinquency prevention: <i>Provided further</i>, That funds made available for juvenile justice and delinquency prevention activities pursuant to the two preceding provisos may be used without regard to the authorizations associated with the underlying sources of those funds: <i>Provided further</i>, That the two three preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.</p> <p><i>Note</i>.—A full-year 2017 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Further Continuing Appropriations Act, 2017 (P.L. 114-254). The amounts included for 2017 reflect the annualized level provided by the continuing resolution.</p> <p>EXPLANATION: Key programs funded under this appropriation account include:</p> <p>Missing and Exploited Children (MEC) Program - To support and enhance the response to missing children and their families.</p>

Program	Language Changes
Office of Justice Programs, Juvenile Justice (cont'd)	<ul style="list-style-type: none"> • Part B Formula Grants - To support state and local programs designed to prevent and address juvenile crime and delinquency, as well as improve the juvenile justice system. • Victims of Child Abuse (VOCA) – Improving Investigation and Prosecution of Child Abuse Program - To enhance the effectiveness of the investigation and prosecution of child abuse cases.
Violence Against Women Prevention and Prosecution Programs	<p>(INCLUDING TRANSFER OF FUNDS) (INCLUDING CANCELLATIONS)</p> <p>For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) ("the 2013 Act"); and the Rape Survivor Child Custody Act of 2015 (Public Law 114-22) ("the 2015 Act"); and for related victims services, \$480,000,000, to remain available until expended, of which \$379,000,000-445,000,000 shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (42 U.S.C. 10601), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading: <i>Provided</i>, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: <u><i>Provided further, That any balances remaining available from prior year appropriations under this heading for tracking violence against Indian women, as authorized by section 905 of the 2005 Act, shall also be available to enhance the ability of tribal government entities to access, enter information into, and obtain information from, federal criminal information databases, as authorized by section 534 of title 28, United States Code: Provided further, That some or all of such balances may be transferred, at the discretion of the Attorney General, to "General Administration, Justice Information Sharing Technology" for the tribal access program for national crime information in furtherance of this purpose: Provided further, That the authority to transfer funds under the previous proviso shall be in addition to any other transfer authority contained in this Act: Provided further, That of the amount provided—</i></u></p> <p>(1) \$215,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act: <u><i>Provided, That funds available for grants</i></u></p>

Program	Language Changes
Violence Against Women Prevention and Prosecution Programs (cont'd)	<p><u>under section 2001(d) of the 1968 Act shall be available for the purposes described in section 2015(a);</u></p> <p>(2) \$30,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;</p> <p>(3) \$5,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;</p> <p>(4) \$11,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: <i>Provided</i>, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303, and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: <i>Provided further</i>, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: <i>Provided further</i>, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;</p> <p>(5) \$51,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$4,000,000 is for a homicide reduction initiative <u>and \$4,000,000 is for a domestic violence firearm lethality reduction initiative: <i>Provided</i>, That funds available for grants under section 2001(d) of the 1968 Act shall be available for purposes described in section 2015(a);</u></p> <p>(6) \$35,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;</p> <p>(7) \$34,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;</p> <p>(8) \$20,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act, <u>of which up to \$8,000,000 is for a demonstration initiative to improve campus responses to sexual assault, dating violence, and stalking, which will include the use of campus climate surveys and will not be subject to the restrictions of section 304(a)(2);</u></p> <p>(9) \$45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;</p> <p>(10) \$5,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;</p> <p>(11) \$16,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: <i>Provided</i>, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;</p>

Program	Language Changes
Violence Against Women Prevention and Prosecution Programs (cont'd)	<p>(12) \$6,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;</p> <p>(13) \$500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;</p> <p>(14) \$1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: <i>Provided</i>, That such funds may be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;</p> <p>(15) \$500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women;</p> <p>(16) \$2,500,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: <i>Provided</i>, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program; and</p> <p>(17) \$2,500,000 for the purposes authorized under the 2015 Act.</p> <p><u><i>Of the unobligated balances from prior year appropriations available under this heading, \$15,000,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</i></u></p> <p>EXPLANATION:</p> <p>The FY 2018 request includes \$480,000,000 for programs administered by OVW to prevent and respond to violence against women, including domestic violence, dating violence, sexual assault, and stalking. Of this amount, \$35,000,000 is requested as directly appropriated funding and \$445,000,000 is available through the Crime Victims Fund.</p> <p>The FY 2018 request includes language that would authorize the Attorney General to transfer prior year balances available to develop and maintain tribal protection order and sex offender registries, as authorized by 28 U.S.C. § 534 note, to be used to enhance the ability of tribes to access federal criminal information databases. The Department seeks this authority because of the strong tribal need for access to comprehensive, national criminal history information and the barriers that many tribes face in obtaining that access. Moreover, the Department has concluded that, rather than investing funds in developing new and incomplete tribal-specific registries, the purpose of section 905(b) of VAWA 2005, which is to protect Native American communities from perpetrators of domestic and sexual violence, would be better served by facilitating tribes' ability to enter and obtain information from existing Federal databases. If approved, the funds will be used instead to support the Tribal Access Program for National Crime Information (TAP), which the Department launched in August, 2015 to provide tribes access to national crime information databases for both civil and criminal purposes. TAP is an extension of a pilot program originally funded by the Department's COPS Office, which provided</p>

Program	Language Changes
<p>Violence Against Women Prevention and Prosecution Programs (cont'd)</p>	<p>access to approximately 20 tribes through the Department's Justice Telecommunications System (JUST). With this transfer authority, the Department plans to expand TAP, which has completed a preliminary feedback phase involving nine tribes, and was extended to another eleven tribes in December, 2016.</p> <p>The FY 2018 request includes language under the STOP and Arrest Program appropriations that would authorize grantees of OVW's Tribal Coalitions Program to use their grant funds for any of the purposes authorized for grantees of OVW's Tribal Governments Program. VAWA 2013 made two changes to the Tribal Coalitions Program that have increased the amount of funding available to these coalitions: first, the Act created a set-aside from OVW's Arrest Program appropriation to support the Tribal Coalitions, and, second, it mandated that OVW make annual, formula-type awards to existing tribal coalitions. The Department seeks to give these coalitions the flexibility to use their larger annual awards to address the broad range of needs experienced by Native American and Alaska Native victims on tribal lands.</p> <p>The FY 2018 request includes language in paragraph (5) authorizing a new Domestic Violence Firearm Lethality Reduction Initiative. This is not additional funding but would be set aside from funds made available from the Arrest Program.</p> <p>The FY 2018 request includes language in paragraph (8) that provide greater flexibility to fund a new \$8 million initiative to help meet the need on college campuses for an effective, comprehensive response to sexual violence, including the implementation of best practices and specialized activities such as measuring the prevalence of sexual assault on campus or conducting CDC-recommended prevention programs. The statutory limitations of the Campus Program currently include a tight per award funding cap that will make it difficult for campuses, especially large ones, to achieve the goals of the new initiative. Furthermore, the cap does not reflect the cost of implementing the Campus Program's statutory mandatory minimum requirements on many college campuses.</p>
<p>Community Oriented Policing Service</p>	<p>For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"), \$242,000,000218,000,000, to remain available until expended: <i>Provided</i>, That any balances made available through prior year deobligations shall only be available in accordance with section 595504 of this Act: <i>Provided Further</i>, That, in addition to any amounts that are otherwise available (or authorized to be made available) for research, evaluation or statistical purposes, up to 3 percent of funds made available to the Office of Community Oriented Policing Services for grants may be used in furtherance of the purposes in section 1701 of title I of the 1968 Act: <i>Provided further</i>, That of the amount provided under this heading—</p> <p>(1) \$11,000,000 is for anti-methamphetamine-related activities, which shall be transferred available to reimburse the Drug Enforcement Administration upon enactment of this Act; and (2) \$187,000,000207,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and</p>

Program	Language Changes
Community Oriented Policing Service (cont'd)	<p>rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: <i>Provided</i>, That, notwithstanding section 1704(c) of such title (42 U.S.C. 3796dd-3(c)), funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: <i>Provided further</i>, That within the amounts appropriated under this paragraph, \$30,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities, of which up to \$3,000,000 shall be available to enhance the ability of tribal government entities to access, enter information into, and obtain information from, federal criminal information databases as authorized by section 534 of title 28, United States Code (including the purchase of equipment and software, and related maintenance, support, and technical assistance for such entities in furtherance of this purpose), and to reimburse the "General Administration, Justice Information Sharing Technology" account for the expenses of providing such services to tribal government entities: <i>Provided further</i>, That within the amounts appropriated under this paragraph, \$10,000,000 is for community policing development activities in furtherance of the purposes in section 1701: <i>Provided further</i>, That within the amounts appropriated under this paragraph, \$10,000,000 is for the collaborative reform model of technical assistance in furtherance of the purposes in section 1701:</p> <p>(3) \$7,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: <i>Provided</i>, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers; and</p> <p>(4) \$7,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: <i>Provided</i>, That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration.</p> <p>(CANCELLATION)</p> <p>Of the unobligated balances from prior year appropriations available under this heading, \$10,000,000 are hereby permanently cancelled: <i>Provided</i>, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</p> <p>EXPLANATION: The request includes \$30 million for tribal law enforcement, \$10 million for community policing development activities, and \$10 million for collaborative reform.</p>

SUMMARY OF GENERAL PROVISIONS
General Provisions—Department of Justice

Table 2 displays the Title II General Provisions for the Department of Justice contained in the FY 2018 President's Budget. The FY 2018 language is compared below to the FY 2016 enacted Title II General Provisions (P.L. 114-113). New language proposed for FY 2018 is italicized and underlined>, and FY 2016 enacted language proposed for deletion is bracketed.

Table 3 provides explanations related to select Title II General Provisions contained in the Department of Justice Appropriations Act, 2016, which are not continued in FY 2018.

Table 2
FY 2018 PROPOSED TITLE II GENERAL PROVISIONS

Section Number	New? Yes/No	Language
201	No	In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.
202	No	None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: <i>Provided</i> , That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.
203	No	None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.
204	No	Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: <i>Provided</i> , That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.
205	No	Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: <i>Provided</i> , That any transfer pursuant to this section shall be treated as a reprogramming of funds under section [505] <u>504</u> of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.
206	No	None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.
207	No	(a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

Section Number	New? Yes/No	Language
		(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.
208	No	The notification thresholds and procedures set forth in section [505]504 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the explanatory statement <i>that accompanies this Act</i> [described in section 4 (in the matter preceding division A of this consolidated Act)], and to any use of deobligated balances of funds provided under this title in previous years.
209	No	None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.
210	Amended ¹	<p>At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings "Research, Evaluation and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"—</p> <p>(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; [and]</p> <p>(2) up to [2] <u>3</u> percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs; <u>and</u></p> <p><u>(3) 7 percent of funds made available for grant or reimbursement programs: (1) under the heading "State and Local Law Enforcement Assistance"; and (2) under the headings "Research, Evaluation, and Statistics" and "Juvenile Justice Programs", to be transferred to and merged with funds made available under the heading "State and Local Law Enforcement Assistance", shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.</u></p>
211	No	<p>Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years [2013] <u>2015</u> through [2016] <u>2018</u> for the following programs, waive the following requirements:</p> <p>(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)), the requirements under section 2976(g)(1) of such part.</p>

¹ The FY 2018 request proposes to change the maximum set-aside percentage for OJP research, evaluation, and statistics activities authorized from 2 to 3 percent, and creates a 7 percent set-aside to be available for tribal criminal justice assistance.

Section Number	New? Yes/No	Language
		(2) For State, Tribal, and local reentry courts under part FF of title I of such Act of 1968 (42 U.S.C. 3797w-2(e)(1) and (2)), the requirements under section 2978(e)(1) and (2) of such part. (3) For the prosecution drug treatment alternatives to prison program under part CC of title I of such Act of 1968 (42 U.S.C. 3797q-3), the requirements under section 2904 of such part. (4) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15605(c)(3)), the requirements of section 6(c)(3) of such Act.
212	No	Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) shall not apply to amounts made available by this or any other Act.
213	No	None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.
214	Amended ²	Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of Division H of Public Law 113-76, <u>section 525 of division H of Public Law 114-113</u> , and such authorities as are enacted for Performance Partnership Pilots in an appropriations act for fiscal year [2016] 2018.
215	Yes ³	<u>Of the unobligated balances from prior year appropriations for the Office of Justice Programs, \$40,000,000 are hereby permanently cancelled. Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</u>
216	Yes ⁴	<u>Notwithstanding any other provision of law:</u> (a) <u>Of the funds deposited or available in the Fund established by section 1402 of Title II of Public Law 98-473 (42 U.S.C. 10601), \$1,310,000,000 are hereby permanently cancelled.</u> (b) <u>Of the amounts deposited or available remaining in the Fund after the cancellation in subsection (a), in excess of \$3,000,000,000 shall not be available for obligation until the following fiscal year: Provided, That, notwithstanding section 1402(d) of such Act of 1984, of the amounts available from the Fund for obligations, the following amounts shall be</u>

² The FY 2018 request includes a citation to the FY 2017 Office of Justice Programs authority relating to Performance Partnership Pilots.

³ The FY 2018 request proposes to move OJP cancellation language to Title II; in the Department of Justice Appropriations Act, 2016, the OJP rescission is found in Section 524.

⁴ The request sets aside specific amounts of funding to support tribal programs for victims of violence and victims services programs for victims of trafficking. Also allows a small percentage of available funds to be used for research, evaluation, or statistical purposes related to crime victims and related programs.

Section Number	New? Yes/No	Language
		<u>available without fiscal year limitation to the Director of the Office for Victims of Crime for the following purposes: (1) \$25,000,000 for supplemental victims' services and other victim-related programs and initiatives; and (2) 5 percent for grants and other assistance to Indian tribes to improve services and justice for victims of crime: Provided further, That, notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation, \$10,000,000 shall remain available until expended to the Department of Justice Office of Inspector General for oversight and auditing purposes: Provided further, That up to 3 percent of funds available from the Fund for obligation may be made available to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes related to crime victims and related programs.</u>
217	Yes ⁵	<u>Sec. 218. Section 527 of title 28, United States Code, is amended in the third sentence by inserting: "(1)" before "the Department" and by inserting "; and (2) Federally recognized tribes for supplies, materials and services related to access to federal law enforcement databases;" after "and services".</u>
218	Yes ⁶	Chapter 11 Quarterly Bankruptcy Fees. <u>(a) Section 1930(a) of title 28, United States Code, is amended in paragraph (6) by striking "\$6,500 for each quarter in which disbursements total \$1,000,000 or more but less than \$2,000,000;" and all that follows and inserting in lieu thereof: "1 percent of disbursements, or \$250,000, whichever is less, for each quarter in which disbursements total \$1,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed. Beginning in fiscal year 2021, the Director of the Executive Office for United States Trustees may adjust (no more frequently than once per fiscal year) the fee for each quarter in which disbursements total \$1,000,000 or more, not to exceed 1 percent of disbursements, or \$250,000, whichever is less."</u> <u>(b) This section and the amendment made by subsection (a) shall take effect October 1, 2017, or on the first day of the calendar quarter following the enactment of this Act, whichever is later, and shall apply to all cases pending or filed under title 11 of the United States Code on or after the effective date of the amendment.</u>
219	Yes ⁷	<u>Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended as follows—</u> <u>(a) In subsection (a), by replacing "any government entity or official" with "any government law enforcement entity or official" and by striking all that follows after "from" and inserting the following new paragraphs—</u> <u>"(1) sending to, or receiving from, the Department of Homeland Security information, including information related to the nationality, citizenship,</u>

⁵ The request provides an additional mechanism for tribes to access critical national crime information databases.

⁶ The U.S. Trustee Programs proposes to adjust quarterly fees for the largest Chapter 11 debtors. If the fee adjustment is effective October 1, 2017, the FY 2018 President's budget request is anticipated to be fully offset by bankruptcy fees collected and on deposit in the U.S. Trustee System Fund.

⁷ The Department of Homeland Security (DHS) and DOJ are requesting an amendment to 8 U.S.C. 1373 to: 1) expand the scope to prevent State and local government officials from prohibiting or restricting any government law enforcement entity or official from complying with a lawful civil immigration detainer request; and 2) authorize DHS and DOJ to condition certain grants and cooperative agreements on requirements that recipients agree to cooperate with specific Federal immigration enforcement activities and requests.

Section Number	New? Yes/No	Language
		<p><u>immigration status, removability, scheduled release date and time, home address, work address, or contact information, of any individual in custody or suspected of a violation of law, provided that such information is relevant to the enforcement of the immigration laws as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)); or "(2) complying with any lawful request made by the Department of Homeland Security pursuant to its authorities under section 236, 241, or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1231, 1357), including any request to maintain custody of the alien for a period not to exceed 48 hours in order to permit assumption of custody by the Department pursuant to a detainer for, or provide reasonable notification prior to the release of, any individual."</u></p> <p><u>(b) In subsection (b)—</u></p> <p><u>(1) In the introductory clause, by inserting "law enforcement" before "entity" and by replacing "regarding the immigration status, lawful or unlawful, of any individual", with "information, including information related to the nationality, citizenship, immigration status, removability, scheduled release date and time, home address, work address, or contact information, of any individual currently or previously in custody or currently or previously suspected of a violation of law, provided that such information is relevant to the enforcement of the immigration laws as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))";</u></p> <p><u>(2) In paragraph (1), by replacing "the U.S. Immigration and Naturalization Service" with "Department of Homeland Security"; and</u></p> <p><u>(3) In paragraph (2), by inserting ", collecting, inquiring into, or verifying" after "Maintaining". (c) In subsection (c)— (1) By replacing "the Immigration and Naturalization Service" with "the Department of Homeland Security"; and (2) By replacing "the citizenship or immigration status" with "the nationality, citizenship, or immigration status". (d) After subsection (c), by inserting the following— "(d) The Secretary of Homeland Security or the Attorney General may condition</u></p> <p><u>a grant or cooperative agreement awarded by the Department of Homeland Security or the Department of Justice to a State or political subdivision of a state, for a purpose related to immigration, national security, law enforcement, or</u></p> <p><u>preventing, preparing for, protecting against or responding to acts of terrorism, on a requirement that the recipient of the grant or cooperative agreement agrees that it will— "(1) Send to the Department of Homeland Security information requested by the Secretary of Homeland Security, or the Secretary's designee, including information related to the nationality, citizenship, immigration status, removability, scheduled release date and time, home address, work address, or contact information, of any individual in custody or suspected of a violation of law, provided that such information is relevant to the enforcement of the immigration laws as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));</u></p> <p><u>"(2) Exchange, at the request of the Secretary of Homeland Security, or the Secretary's designee, information, including information related to the nationality, citizenship, immigration status, removability, scheduled release date and time, home address, work address, or contact information, of any individual in custody or suspected of a violation of law, with any other Federal, State, or local government law enforcement entity, provided that such information is relevant to the enforcement of the immigration laws as</u></p>

Section Number	New? Yes/No	Language
		<p><u>defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)):</u></p> <p><u>"(3) Not prohibit or restrict any entity, official, or employee from collecting, inquiring into, or verifying information, including information related to the nationality, citizenship, immigration status, removability, scheduled release date and time, home address, work address, or contact information, of any individual in custody or suspected of a violation of law, provided that such information is relevant to the enforcement of the immigration laws as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), and will maintain any such information it may collect, during the period of performance of a grant or cooperative agreement conditioned under this subsection: and</u></p> <p><u>"(4) Comply with any lawful request made by the Department of Homeland Security pursuant to its authorities under section 236, 241, or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1231, 1357), including any request to maintain custody of the alien for a period not to exceed 48 hours in order to permit assumption of custody by the Department pursuant to a detainer for, or provide reasonable notification prior to the release of, any individual." (e) In the section heading, by replacing "Immigration and Naturalization Service" with "Department of Homeland Security". (f) The Secretary of Homeland Security or the Attorney General may require States and political subdivisions of States that apply for Federal grants or cooperative agreements from the Department of Homeland Security or the Department of Justice to include a certification that they will comply with subsection (d) in their applications for award. The Secretary or the Attorney General may prescribe the form of the certification for the Federal grants and cooperative agreements awarded by their respective Departments. (g) The Secretary of Homeland Security and the Attorney General may enforce the provisions of this Section through any lawful means, including by seeking injunctive or other relief from a court of competent jurisdiction. (h) SEVERABILITY.—The provisions of this section are severable. If any provision of this section, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of this section not so adjudicated.</u></p>

Table 3
FY 2016 GENERAL PROVISIONS NOT CONTINUED IN FY 2018 – Title II

Section Included in the Consolidated Appropriations Act, 2016 (P.L. 114-113)	Explanation for Why General Provision is No Longer Necessary
<p>Sec. 206 Funds appropriated by this or any other Act, with respect to any fiscal year, under the heading "Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses" shall be available for retention pay for any employee who would otherwise be subject to a reduction in pay upon termination of the Bureau's Personnel Management Demonstration Project (as transferred to the Attorney General by section 1115 of the Homeland Security Act of 2002, Public Law 107296 (28 U.S.C. 599B)): <i>Provided</i>, That such retention pay shall comply with section 5363 of title 5, United States Code, and related Office of Personnel Management regulations, except as provided in this section: <i>Provided further</i>, That such retention pay shall be paid at the employee's rate of pay immediately prior to the termination of the demonstration project and shall not be subject to the limitation set forth in section 5304(g)(1) of title 5, United States Code, and related regulations.</p>	<p>This language does not need to be repeated, as the provision in the Consolidated Appropriations Act, 2016, is permanent.</p>
<p>Sec. 209 None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.</p>	<p>This language is no longer required due to the recent IT management controls included under the Federal IT Reform Act (FITARA) legislation, which provide for an inclusive governance process that enables effective planning, budgeting and execution for IT investments.</p>
<p>Sec. 212 Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.</p>	<p>This provision impinges on the ability of the Attorney General to manage Department of Justice resources.</p>
<p>Sec. 217 (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2016, except up to \$40,000,000 may be obligated for implementation of</p>	<p>This provision impinges on the ability of the Attorney General to manage Department of Justice resources.</p>

Section Included in the Consolidated Appropriations Act, 2016 (P.L. 114-113)	Explanation for Why General Provision is No Longer Necessary
<p>a unified Department of Justice financial management system.</p> <p>(b) Not to exceed \$30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2016, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.</p> <p>(c) Not to exceed \$10,000,000 of the excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2016, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.</p> <p>(d) Subsections (a) through (c) of this section shall sunset on September 30, 2016.</p>	
<p>SEC. 218. (a) Of the funds appropriated by this Act under each of the headings "General Administration—Salaries and Expenses", "United States Marshals Service—Salaries and Expenses", "Federal Bureau of Investigation—Salaries and Expenses", "Drug Enforcement Administration—Salaries and Expenses", and "Bureau of Alcohol, Tobacco, Firearms and Explosives—Salaries and Expenses", \$20,000,000 shall not be available for obligation until the Attorney General demonstrates to the Committees on Appropriations of the House of Representatives and the Senate that all recommendations included in the Office of Inspector General of the Department of Justice, Evaluation and Inspections Division Report 15-04 entitled "The Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components", dated March, 2015, have been implemented or are in the process of being implemented. (b) The Inspector General of the Department of Justice shall report to the Committees on Appropriations of the House of Representatives and the Senate not later than 90 days after the date of enactment of this Act on the status of the Department's implementation of recommendations included in the report specified in subsection (a).</p>	<p>This is one-time language that was addressed during FY 2016.</p>

FY 2018 TITLE V GENERAL PROVISIONS

U.S. Department of Justice Comments

Table 4 displays substantive changes to Title V general provisions for the Department of Justice, using the FY 2016 enacted budget (Title V, P.L. 114-113) as the starting point. An explanation is also provided. New language is *italicized and underlined*, and language proposed for deletion is [bracketed].

Table 4

FY 2018 PROPOSED TITLE V GENERAL PROVISIONS

Section Number	LANGUAGE CHANGES
501	<p>[No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.]</p> <p>Explanation: This provision limits agency discretion in using funds.</p>
504	<p>None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year [2016] <u>2018</u>, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of [\$500,000 <u>\$1,000,000</u> or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds [by agencies (excluding agencies of the Department of Justice) funded by this Act and 45 days in advance of such reprogramming of funds by agencies of the Department of Justice funded by this Act.</p> <p>EXPLANATION: The change increases the reprogramming threshold.</p>

Section Number	LANGUAGE CHANGES
507	<p>[(a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.</p> <p>(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.</p> <p>(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.]</p> <p>EXPLANATION: This provision requires the Department of Justice to provide a quarterly accounting of cumulative unobligated balances. This information is provided at the request of the Committees, and does not need to be in statute.</p>
507	<p>None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products[, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type].</p>
512	<p>[None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.]</p> <p>EXPLANATION: This provision is not necessary to restrict transfers- any transfer requires specific legislative authority.</p>
513	<p>[Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.]</p> <p>EXPLANATION: This provision limits agency discretion in using funds.</p>
514	<p>[(a) The Inspectors General of the Department of Commerce, the Department</p>

Section Number	LANGUAGE CHANGES
	<p>of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.</p> <p>(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—</p> <p>(1) any matter described in section 552(b) of title 5, United States Code; and</p> <p>(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes, subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract. (d) The provisions of the preceding subsections of this section shall take effect</p> <p>30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.]</p> <p>EXPLANATION: This information will be provided as requested and does not need to be in statute.</p>
518	<p>[Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.]</p> <p>EXPLANATION: This provision has been included in the CJS language since 2005 and prohibits ATF from denying import applications seeking to import US origin curio or relic firearms. This provision limits the President's discretion in administering foreign policy and should be deleted.</p>

Section Number	LANGUAGE CHANGES
512	<p>If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than [\$75,000,000] <u>[\$250,000,000]</u> has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.</p> <p>EXPLANATION: The change increases the notification threshold.</p>
515	<p>((RESCISSIONS)CANCELLATION)</p> <p>(a) Of the unobligated balances from prior year appropriations available to the Department of Commerce's Economic Development Administration, Economic Development Assistance Programs, [\$10,000,000] <u>[\$47,000,000]</u> are <u>permanently</u> [rescinded] <u>cancelled</u>, not later than September 30, [2016] <u>2018</u>.</p> <p>(b) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2016, from the following accounts in the specified amounts—</p> <ol style="list-style-type: none"> (1) "Working Capital Fund", \$69,000,000; (2) "United States Marshals Service, Federal Prisoner Detention", \$195,974,000; (3) "Federal Bureau of Investigation, Salaries and Expenses", \$80,767,000 from fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs; (4) "State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs", \$15,000,000; (5) "State and Local Law Enforcement Activities, Office of Justice Programs", \$40,000,000; (6) "State and Local Law Enforcement Activities, Community Oriented Policing Services", \$10,000,000; and

Section Number	LANGUAGE CHANGES
	<p>(7) "Legal Activities, Assets Forfeiture Fund", \$458,000,000.]</p> <p>[(c) The Departments of Commerce and Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2016, specifying the amount of each rescission made pursuant to subsections (a) and (b).]</p> <p>EXPLANATION: This provision identifies one-time rescissions in FY 2016. DOJ rescission proposals for FY 2018 are included under the appropriate components' appropriations language or in Title II.</p>
530	<p>[The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:</p> <p>(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.</p> <p>(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.</p> <p>(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.</p> <p>(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.]</p> <p>EXPLANATION: This provision is administratively burdensome.</p>
532	<p>[None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—</p> <p>(1) all other requirements of law with respect to the proposed importation are met; and</p> <p>(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.]</p> <p>EXPLANATION: This provision limits agency discretion in using funds and in the performance of its regulatory oversight duties.</p>

Section Number	LANGUAGE CHANGES
535	<p>(a) The head of any executive branch department, agency, board, commission, or office funded by this Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2016 for which the cost to the United States Government was more than \$100,000.</p> <p>(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—</p> <p>(1) a description of its purpose;</p> <p>(2) the number of participants attending;</p> <p>(3) a detailed statement of the costs to the United States Government, including—</p> <p>(A) the cost of any food or beverages;</p> <p>(B) the cost of any audio-visual services;</p> <p>(C) the cost of employee or contractor travel to and from the conference; and</p> <p>(D) a discussion of the methodology used to determine which costs relate to the conference; and</p> <p>(4) a description of the contracting procedures used including—</p> <p>(A) whether contracts were awarded on a competitive basis; and</p> <p>(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.</p> <p>(c) Within 15 days of the date of a conference held by any executive branch department, agency, board, commission, or office funded by this Act during fiscal year 2016 for which the cost to the United States Government was more than \$20,000, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending such conference.</p> <p>(d) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.</p>

Section Number	LANGUAGE CHANGES
	<p>(e) None of the funds made available in this Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M-12-12 dated May 11, 2012 or any subsequent revisions to that memorandum.]</p> <p>EXPLANATION: This provision limits agency discretion in using funds and is unnecessary in light of our efforts to limit conference expenditures and attendance.</p>
542	<p>[None of the funds made available in this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming, or with respect to the District of Columbia, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.]</p>
543	<p>[None of the funds made available by this Act may be used in contravention of section 7606 ("Legitimacy of Industrial Hemp Research") of the Agricultural Act of 2014 (Public Law 113-79) by the Department of Justice or the Drug Enforcement Administration.]</p> <p>EXPLANATION: The Department (including DEA) does not and will not act in contravention of Section 7606 of the Agricultural Act of 2014, Public Law 113-79.</p>

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General Administration - S&E	2009	181,561	105,805	111,500	111,288	114,000	Violence Against Women and Department of Justice Appropriations Authorization Act of 2005 ("2005 Reauthorization"), Public Law 109-162
Justice Information Sharing Technology	2009	204,152	80,000	31,000	30,941	30,941	2005 Reauthorization (P.L. 109-162)
Health Care Fraud	indef.	2/	2/	2/	2/	2/	42 USC 1395a(k)(3)(A)
Law Enforcement Wireless Communications	2009	144,771	185,000	0	0	0	2005 Reauthorization (P.L. 109-162)
Counterterrorism Fund	2003	35,000	0	0			21st Century Dept. of Justice Appropriations Authorization Act (P.L. 107-273)
Administrative Review & Appeals 3/	2009	243,291	270,000	422,791	421,492	500,407	2005 Reauthorization (P.L. 109-162)
Office of the Inspector General	2009	81,922	75,681	93,709	93,531	95,328	2005 Reauthorization (P.L. 109-162)
U.S. Parole Commission	2009	12,711	12,570	13,308	13,283	13,283	2005 Reauthorization (P.L. 109-162)
National Security Division	4/	4/	N/A		94,819	101,031	4/
General Legal Activities							
Salaries & Expenses	2009	784,528	804,007	893,000	891,302	899,000	2005 Reauthorization (P.L. 109-162)
Vaccine Injury Compensation	indef.	[4,058]	N/A	[9,356]	[9,340]	[9,340]	26 USC 9510
Office of Special Counsel - Anti-discrimination	indef.	[3,000]	N/A	0	0	0	8 USC 1255a(c)(7)(C)
Independent Counsel	1999	0	0	500			P.L. 103-270, Independent Counsel Reauthorization Act (P.L. 104-22)
	indef.	5,500	N/A	0			P.L. 100-202, 101 Stat. 1329
September 11th Victim Compensation (Administration and Claims) 6/ and 16/	indef.	such sums	N/A	2,565,300	0	0	Sections 404 and 406 of P.L. 107-42, as amended by section 205 of P.L. 111-347 and section 1347 of P.L. 112-10
Victims Compensation Fund 16/	indef.	4,600,000	N/A	0	5,410,000	0	Section 402(f) of Title IV, Division O, Public Law 114-113, added section 410 to Title IV of the Air Transportation Safety and System Stabilization Act (48 U.S.C. 40101 note).
Antitrust Division - S&E	2009	162,488	157,788	184,977	164,653	164,663	2005 Reauthorization (P.L. 109-162)
Offsetting Fee Collection (est.)	indef.	such sums	N/A	(124,000)	(128,000)	(112,700)	Fees Auth - Sec. 605, 1990 CJSJ Appropriations Act (P.L. 101-162)
U.S. Attorneys - Salaries and Expenses	2009	1,829,194	1,836,338	2,000,000	1,996,198	2,057,252	2005 Reauthorization (P.L. 109-162)
U.S. Trustees - S&E	indef.	such sums	N/A	225,908	225,478	225,478	28 USC 589a(e) and 1930(a)
Offsetting Fee Receipt (est.)	indef.	indef.	N/A	(162,000)	(123,000)	(289,000)	28 USC 589a(b) and 1930(a)
Foreign Claims Settlement Commission	2009	1,429	1,823	2,374	2,369	2,409	2005 Reauthorization (P.L. 109-162)
U.S. Marshals Service	2009	900,178	994,000	2,504,021	2,696,028	2,802,971	2005 Reauthorization (P.L. 109-162)
U.S. Marshals Service - S&E			[950,000]	[1,230,581]	[1,228,242]	[1,252,000]	
Construction			[4,000]	[15,000]	[14,971]	[14,971]	
1/ Federal Prisoner Detention				[1,454,414]	[1,451,815]	[1,536,000]	
Fees & Expenses of Witnesses	2009	203,795	168,300	231,640	230,892	270,000	2005 Reauthorization (P.L. 109-162)
Community Relations Service	2009	10,977	9,873	14,446	14,419	14,419	2005 Reauthorization (P.L. 109-162)
Assets Forfeiture Fund Current Budget Authority	2009	22,000	20,950	20,514	20,475	21,475	2005 Reauthorization (P.L. 109-162)
Assets Forfeiture Fund Permanent Oblig. Authority	indef.	such sums	N/A	1,826,868	1,378,756	1,380,013	28 USC 524(c)
Radiation Exposure Compensation - Trust Fund - (Mand)	indef.	indef.	N/A	65,000	65,000	50,000	Department of Justice Appropriations Act, 2005, Sec. 122 (Title I, Div. B, P.L. 108-447)
Intergency Crime and Drug Enforcement	2009	744,593	515,000	512,000	511,027	526,000	2005 Reauthorization (P.L. 109-162)
Federal Bureau of Investigation	2009	6,480,808	7,301,191	8,718,001	8,995,779	8,579,477	2005 Reauthorization (P.L. 109-162)
Federal Bureau of Investigation - S&E			[7,147,700]	[8,489,786]	[8,767,201]	[8,722,582]	
Construction			[153,491]	[308,982]	[420,178]	[81,895]	
Health Care Fraud	indef.	indexed amt	N/A	130,303	131,300	144,000	42 USC 1395a(k)(3)(B)
Drug Enforcement Administration							
Drug Enforcement Administration - S&E	2009	1,930,462	1,939,084	2,080,000	2,087,025	2,164,051	2005 Reauthorization (P.L. 109-162)
Construction			0	0	0	0	
Diversion Control Fee (est.)	indef.	0	N/A	346,490	346,336	419,574	Fees Auth - Sec. 111(b), CJSJ Appropriations Act, 1993 (P.L. 102-395)
Bureau of Alcohol, Tobacco, Firearms & Explosives	2009	1,038,939	1,054,215	1,240,000	1,237,643	1,273,776	2005 Reauthorization (P.L. 109-162)
Construction			0	0	0	0	
Federal Prison System	2009	5,698,292	6,171,561	7,478,500	7,464,283	6,754,248	2005 Reauthorization (P.L. 109-162)
Bureaus of Prisons - S&E			5,595,754	[6,948,500]	[6,935,291]	[7,085,248]	
Buildings & Facilities			575,807	[530,000]	[529,992]	[668,999]	
Federal Prison Industries (Administrative Limitation)	indef.		N/A	2,700	2,700	2,700	
Office of Justice Programs							
Salaries & Expenses, including OAAAM	2009	132,226	0	[214,817]	[220,717]	[220,200]	P.L. 109-162
Research, Evaluation, and Statistics:							

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Natl Institute of Justice	1995	33,000	68,879	36,000	35,933	36,000	Department of Justice Appropriations Act, 2012 (P.L. 114-113)
Indigent Defense Initiative--Social Science Research on Indigent Defense				[0]	[0]	[0]	An act appropriating funds for the program
Civil Legal Aid Matters				[0]	[0]	[0]	An act appropriating funds for the program
Collecting Digital Evidence from Large-Scale Computer Systems and Networks				0	0	0	An act appropriating funds for the program
Bureau of Justice Statistics	1995	33,000	32,335	41,000	40,922	41,000	Department of Justice Appropriations Act, 2012 (P.L. 114-113)
National Crime Victimization Survey (NCVS) Sample Boost for Subnational Estimates Program				[0]	[0]	[0]	An act appropriating funds for the program
Indigent Defense Initiative--National Survey of Public Defenders				[0]	[0]	[0]	An act appropriating funds for the program
Indigent Defense Initiative--National Public Defenders Reporting Program: Design and Testing				[0]	[0]	[0]	An act appropriating funds for the program
NCIS-X Initiative				0	0	0	An act appropriating funds for the program
RIS	2003	100,000	29,000	35,000	34,933	30,000	42 USC 3796(h)
CrimeSolutions.gov (Evaluation Clearinghouse/What Works Repository)	N/A	N/A	N/A	0	0	0	Department of Justice Appropriations Act, 2014 (P.L. 113-76)
Forensic Science				4,900	968	4,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Transfer - NIST				[3,000]	[3,000]	[3,000]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
12/ Research on Domestic Radicalization				0	0	0	An act appropriating funds for the program
Juvenile Justice Programs:							
Title II JUDPA-Juv Just & Delinq Prev							
Part B-Formula Grants	2007	Indef.	78,978	58,000	57,890	58,000	42 USC 5671(a)(1)
Emergency Planning - Juvenile Detention Facilities				[500]	[499]	[500]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Youth Mentoring	N/A; 2007-	N/A; indef.	80,000	90,000	89,829	58,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
National Forum on Youth Violence Prevention	N/A	N/A	N/A	0	0	0	Department of Justice Appropriations Act, 2014 (P.L. 113-76)
Title V: Local Delinquency Prevention Incentive Grants	2008	Indef.	62,300	17,500	17,467	17,000	42 USC 5655, Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Enforcing Underage Drinking Laws (EUDL)	N/A; 2007	N/A; indef.	[25,000]	[0]	[0]	[0]	Department of Justice Appropriations Act, 2014 (P.L. 113-76)
Gang Prevention/Gang and Youth Violence Prevention and Intervention Initiatives	N/A; 2007	N/A; indef.	[25,000]	[5,000]	[4,996]	[5,000]	42 USC 5655, Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Tribal Youth Program	N/A; 2007	N/A; indef.	[25,000]	[10,000]	[9,981]	[0]	42 USC 5655, Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Children of Incarcerated Parents Web Portal	N/A; 2007	N/A; indef.	[25,000]	[500]	[499]	[500]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Juvenile Justice and Education Collaboration Assistance (JJCEA)	N/A; 2007	N/A; indef.	[25,000]	[0]	[0]	[0]	Department of Justice Appropriations Act, 2014 (P.L. 113-76)
Community-Based Violence Prevention Initiative	N/A; 2007	N/A; indef.	[25,000]	[0]	[0]	[0]	42 U.S.C. 5784, Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Competitive Grants for Girls in the Justice System	N/A; 2007	N/A; indef.	[25,000]	[2,000]	[1,996]	[2,000]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
National Forum on Youth Violence Prevention	N/A; 2007	N/A; indef.	[25,000]	[0]	[0]	[0]	43 U.S.C. 5784, Department of Justice Appropriations Act, 2015 (P.L. 113-235)
Juvenile Accountability Block Grants	2009	350,000	55,000	6	0	0	42 USC 3795es-10
Indigent Defense Initiative - Improving Juvenile Indigent Defense				2,500	2,495	2,500	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Community-Based Violence Prevention Initiative	N/A; 2007	N/A; indef.	N/A	8,000	7,985	0	42 USC 5655, Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Victims of Child Abuse Act	2013	15,000; 5,000	11,000	23,000	19,962	20,000	42 USC 13004(a) and (b)
Sec. 213-Reg Child Advocacy Ctr	2018	15,000	0	[0]	[0]	[0]	42 USC 13004(a)
Sec. 214a-Tech Assistance/Training	2018	5,000	0	[0]	[0]	[0]	42 USC 13004(b)
Child Abuse Training for Judicial Personnel	2018	2,300	N/A	2,000	1,995	2,000	42 U.S.C. 13024(a)
Competitive Grant for Girls in the Justice System	N/A	N/A	N/A	0	0	0	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Missing Children	2004; 2015; 2018	10,000; 60,000; 40,000	N/A	72,160	72,023	72,000	42 USC 5791(c); 42 USC 17617(a); 42 USC 5777(a)
Children of Incarcerated Parents Web Portal				0	0	0	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Smart on Juvenile Justice				0	0	0	An act appropriating funds for the program
Community Policing	2009	1,047,119	550,500	212,050	200,618	218,000	42 USC 3793(a)(1)(A)
Salaries and Expenses	2009	35,267	0	[37,374]	[37,303]	[37,303]	P.L. 109-162
Secure Our Schools	2009	30,000	[16,000]	0	0	0	42 USC 3767e
Tribal Law Enforcement	2015	40,000	0	0	0	0	42 USC 3796d(h)(4)
CDPS Hiring Program	2009	1,047,119	1,000,000	397,000	186,644	207,000	42 USC 3793(e)(1)(A)

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Transfer to Tribal Resources Grant Program	2015	40,000	[33,000,000]	[30,000]	[29,840]	[30,000]	42 USC 3796d4(j)(4)
Collaborative Reform Model (Property Etc.)	2009	1,047,119	0	[10,000]	[9,980]	[10,000]	42 USC 3793(e)(11)(A)
Community Policing Development/Training and Technical Assistance	2009	1,047,119	4,000,000	[10,000]	[9,980]	[10,000]	42 USC 3793(e)(11)(A)
Incentive to Increase LEA Diversity				0	0	0	An act appropriating funds for the program.
DEA Methamphetamine Enforcement and Cleanup			0	11,000	0	11,000	An act appropriating funds for the program
Anti-Methamphetamine Task Forces			0	7,000	6,987	0	An act appropriating funds for the program
Anti-Heroin Task Forces			0	7,000	6,987	0	An act appropriating funds for the program
Regional Gang Task Forces			0	0	0	0	An act appropriating funds for the program
Countering Violent Extremism			0	0	0	0	An act appropriating funds for the program
COFS Set-Aside for Research and Evaluation - 3% of discretionary funds			0	0	0	[8,210]	An act appropriating funds for the program
Collaborative Reform Model	2009	1,047,119	0	10,000	0	0	42 USC 3793(e)(11)(A)
COFS - Management and Administration			0	[37,374]	[37,303]	[37,303]	
Violence Against Women							
Salaries and Expenses	2009	16,837	0	[19,912]	[19,874]	[19,912]	P.L. 109-162
Law Enforcement and Prosecution/ Grants to Combat Violence Against Women (STOP)	2018	222,000	N/A	215,000	214,591	215,000	42 USC 3793(e)(16)
Encouraging Arrest Policies	2018	73,000	N/A	51,000	50,903	51,000	42 USC 3793(e)(19)
Homicide Reduction Initiative				[4,000]	[3,892]	[4,000]	
Domestic Violence Firearms Lethality Reduction				[0]	[0]	[0]	
Rural Domestic Violence	2018	50,000	N/A	34,000	33,935	34,000	42 USC 13971(e)
Stalking Databases	2018	3,000	N/A	0	0	0	42 USC 14032
7/ Safe Havens	2011	20,000	N/A	0	0	0	42 USC 10420(e)
7/ Grants to Support Families in the Justice System	2018	22,000	N/A	16,000	15,970	16,000	42 USC 10420(e)
Education & Training YAWA w/Disabilities	2018	8,000	N/A	6,000	5,989	6,000	42 USC 3796g-7(f)
Legal Assistance for Victims Program	2018	57,000	N/A	45,000	44,914	45,000	42 USC 3796g-6(f)(1)
Violence on College Campuses	2018	12,000	N/A	20,000	19,982	20,000	42 USC 14045b(e)
Training Grants (EJER) Program	2018	9,000	N/A	5,000	4,990	5,000	42 USC 14041(b)(5)
Transitional Housing	2018	35,000	N/A	30,000	29,943	30,000	42 USC 13975(g)(1)
Sexual Assault Victims Assistance	2018	40,000	N/A	35,000	34,935	35,000	42 USC 14039(f)(1)
5/ Consolidated Youth-Oriented Program	N/A	N/A	N/A	11,000	10,979	11,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
8/ Engaging Men and Youth in Prevention	2011	10,000	N/A	0	0	0	42 USC 14034-(b)
9/ Services to Advocate and Respond to Youth	2011	15,000	N/A	0	0	0	42 USC 14043-(f)
10/ Grants to Assist Children and Youth Exposed to Violence	2011	20,000	N/A	0	0	0	42 USC 14034-2(b)
7/ Court Training Improvements Program	2011	5,000	N/A	0	0	0	42 USC 14043e-3(e)
Indian Country - Sexual Assault Clearinghouse	N/A	N/A	N/A	500	499	500	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
National Resources Center on Workplace Responses	2018	1,000	N/A	500	498	500	42 USC 14043(e)
Research on Violence Against Indian Women	2015	1,000	940	1,000	998	1,000	42 USC 3796g-10 note
National Tribal Sex Offender Registry/Tracking of Violence Against Indian Women	2018	1,000	N/A	0	0	0	28 USC 634 note
Research and Evaluation of Violence Against Women	N/A	N/A	N/A	5,000	4,990	5,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
11/ Supporting Teens Through Education Program	2011	5,000	N/A	0	0	0	42 USC 14043c-3(f)(1)
YAWA Tribal Government Grants Program				[38,850]	[38,776]	[38,850]	
YAWA Tribal Coalitions Grants				[6,740]	[6,727]	[6,740]	
Tribal Special Domestic Violence Criminal Jurisdiction				2,500	2,495	2,500	25 USC 1304(h)
Rape Survivor Child Custody Act Program				2,500	2,495	2,500	42 USC 14043h-7
COFS Set-Aside for Research and Evaluation-3% of discretionary funds				[0]			An act appropriating funds for the program
State and Local Law Enforcement							
2nd Chance Act/Prisoner Reentry (Adult and Juvenile State and Local Reentry)	2010	55,000	100,000	68,000	67,871	48,000	42 USC 3797-(e)
Smart Probation				[6,000]	[5,969]	[6,000]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Pay for Success (discretionary)				[7,500]	[7,486]	[7,500]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Pay for Success (Permanent Supportive House Mode)				[5,000]	[4,980]	[5,000]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Children of Incarcerated Parents Demonstration Grants				[5,000]	[4,990]	[5,000]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Project HOPE				[4,000]	[3,992]	[4,000]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)

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Children of Arrested Parents Policy Implementation Program				[0]	[0]	[0]	An act appropriating funds for the program
State and Local Gun Violence Prosecution Assistance/Violent Gang and Gun Crime Reduction	N/A	N/A	N/A	6,500	6,488	0	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Bulletproof Vest Partnership	2020	50,000	N/A	22,500	20,960	0	42 USC 3793(e)(23)
NIST IOLIS				[1,500]	[1,497]	[0]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
National Criminal History Improvement Program (NCHIP)	2007	250,000	0	48,000	47,909	53,000	42 USC 14601(e)(1)-4,250 ml auth for FY 2007/next for several programs
National Instant Criminal Background Check System (NICS)	2013	125,000; 62,500	N/A	25,000	24,952	15,000	NICS Improvement Amendment Act of 2007 (P.L. 110-180 Secs. 103(e)(1) and 301(e))
Court Appointed Special Advocate				9,000	8,983	9,000	42 USC 13014(a)
Paul Coverdell Grants	2009	20,000	25,000	13,500	13,474	13,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
NamUs				0	0	[2,400]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
State Criminal Alien Assistance	2011	950,000	N/A	210,000	209,601	0	8 USC 1231(i)(5)
Prison Rape Prevention and Prosecution	2010	40,000	N/A	10,500	10,480	15,500	42 USC 15605(g)(1)
National Crime Reduction Assistance Network (formerly called Violence Reduction Network)				0	0	5,000	An act appropriating funds for the program
Byrne Justice Assistance Grant Program (JAG)	2012	1,095,000	N/A	476,000	475,095	332,500	42 USC 3768
State and Local Antiterrorism Training (SLATT)	N/A	N/A	N/A	[0]	[0]	[0]	Department of Justice Appropriations Act, 2014 (P.L. 113-76)
Body-Worn Camera Partnership Program				0	0	[22,500]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Bulletproof Vest Partnership	2020	50,000	N/A	0	0	[22,500]	42 USC 3793(e)(23)
NIST IOLIS				0	0	[1,500]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Research on Domestic Radicalization				[4,000]	[3,992]	[4,000]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
State and Local Assistance Help Desk and Diagnostic Center (E2J)				[0]	[0]	[0]	Department of Justice Appropriations Act, 2014 (P.L. 113-76)
VALOR Initiative				[15,000]	[14,971]	[15,000]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Smart Policing				[5,000]	[4,990]	[5,000]	Department of Justice Appropriations Act, 2015 (P.L. 114-113)
Smart Prosecution				[2,500]	[2,485]	[4,000]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Bulletproof Vest Partnership	2012	50,000	N/A	[0]	[0]	[0]	42 USC 3793(e)(23)
Byrne Criminal Justice Innovation Program				[0]	[0]	[0]	Department of Justice Appropriations Act, 2015 (P.L. 113-235)
Countering Violent Extremism - Training				[0]	[0]	[0]	An act appropriating funds for the program
Firearms Safety Materials and Gun Locks				[0]	[0]	[0]	Department of Justice Appropriations Act, 2015 (P.L. 113-235)
Improving Juvenile Indigent Defense				[0]	[0]	[0]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Missing Alzheimer's Patient Program				[0]	[0]	[0]	42 USC 14181(d)(3)
NamUs (moved to a carve out of Paul Coverdell grants in FY 2018)				[2,400]	[2,395]	[0]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Political Nominating Conventions Grants				[100,000]	[96,810]	[0]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
President Elect Security				0	7,000	0	P.L. 114-254
National Training Center to Improve Police-Based Responses to the People with Mental Illness				[0]	[0]	[0]	An act appropriating funds for the program
Prescription Drug Monitoring	N/A	N/A	N/A	13,000	12,975	12,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Indian Programs				30,000	29,943	0	Department of Justice Appropriations Act, 2015 (P.L. 114-113)
DNA Related and Forensic Programs and Activities	N/A	N/A	N/A	125,000	124,762	105,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Rape Kit Backlog				[0]	[0]	[0]	An act appropriating funds for the program
For the purposes of the Kirk Bloodsworth post-conviction DNA testing	N/A	N/A	[5,000]	[4,000]	[3,992]	[4,000]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Sexual Assault Nurse Examiners Program	N/A	N/A		[4,000]	[3,992]	[4,000]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
DNA Analysis and Capacity Enhancement/Other Forensics (including for the purposes of Debbie Smith)	N/A	N/A		[117,000]	[116,778]	[97,000]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)

**U.S. DEPARTMENT OF JUSTICE
AUTHORIZATION OF APPROPRIATIONS 13/
(Dollars in Thousands)**

Appropriated Program	Last Year of Express Authorization of Appropriation	Auth Level in Last Year of Express Authorization of Appropriation	Appropriation in Last Year of Express Authorization of Appropriation	FY 2016 Amount Appropriated or specified in report 15/	FY 2017 Amended CR Amount	FY 2018 Request	Authorization of Appropriation Citation
Sexual Assault Evidence Kit Backlog Reduction				45,000	44,914	45,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Justice Reinvestment Initiative	N/A	N/A	N/A	27,500	27,448	22,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Task Force on Federal Corrections				[0]	[0]	[0]	Department of Justice Appropriations Act, 2015 (P.L. 113-235)
John R. Justice Student Loan Repayment	2014	such sums	N/A	2,000	1,996	2,000	42 USC 3797cc-21(i)
Missing Alzheimer's Patient Program	1999	900	898	0	0	0	42 USC 14181(d)(3)
Capital Litigation Improvement Grants (including Wrongful Conviction Review Program)	2021	75,000	5,500	2,500	2,495	2,500	42 USC 14135e(b); Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Drug Courts	2008	70,000	15,200	42,000	41,920	40,000	42 USC 3793(e)(25)
Residential Substance Abuse Treatment	2000	72,000	61,677	12,000	11,977	12,000	42 USC 3793(e)(17)(E)
Indigent Defense Initiative - Answering Gideon's Call				0	0	0	An act appropriating funds for the program
Civil Legal Aid - Competitive Grant (in Consult with ATJ)				0	0	0	An act appropriating funds for the program
Procedural Justice - Building Community Trust				0	0	0	An act appropriating funds for the program
Victims of Trafficking	2017	10,000, 1,000	N/A	45,000	44,914	45,000	22 USC 7110(d) (foreign); 42 USC 14044(e) (state and local)
National Sex Offender Public Website	N/A	N/A	N/A	1,000	998	1,000	42 USC 16920; Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Mentally Ill Offender Act	2021	60,000	N/A	10,000	9,981	10,000	42 USC 3797ee(f)
Byrne Competitive Grants	N/A	N/A	N/A	0	0	0	Department of Justice Appropriations Act, 2014 (P.L. 113-76)
Byrne Incentive Grants				0	0	0	An act appropriating funds for the program
Project Hope Opportunity Probation with Enforcement (HOPE)				0	0	0	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Economic, High-Tech, Cybercrime Prevention	N/A	N/A	N/A	13,000	12,975	11,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Intellectual Property Enforcement Program				[2,500]	[2,495]	[2,500]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Byrne Criminal Justice Innovation Program	N/A	N/A	N/A	15,000	14,971	0	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Adam Walsh Act	2009	indef.	N/A	20,000	19,962	20,000	The Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248); Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Defending Childhood/Children Exposed to Violence Initiative	N/A	N/A	N/A	8,000	7,985	8,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Comprehensive School Safety				75,000	74,857	20,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
PIKt Grants				[0]	[0]	[0]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Research and Evaluation				[0]	[0]	[0]	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Veterans Treatment Courts				6,000	5,989	6,000	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
National Center for Campus Public Safety				0	0	0	
Body-Worn Camera Partnership Program				22,500	22,457	0	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Body-Worn Camera Research and Statistics				8,000	4,990	0	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Countering Violent Extremism Program				0	0	0	An act appropriating funds for the program
National Missing and Unidentified Persons System (NamUS)				0	0	0	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Next Generation Identification (NGI) Assistance Program				0	0	0	An act appropriating funds for the program
Vision 21				0	0	0	Department of Justice Appropriations Act, 2016 (P.L. 114-113)
Public Safety Officers' Benefits							
Death Benefits	indef.	indef.	N/A	72,000	72,000	72,000	42 USC 3793(e)(4)
Disability Benefits	indef.	indef.	N/A	16,300	16,269	16,300	42 USC 3793(a)(4); 42 USC 3796(b)
Public Safety Officer Dependents Asst.	indef.	indef.	N/A	16,300			42 USC 3793(e)(4); 42 USC 3796-7
Comprehensive Opioid Abuse Program					20,000	20,000	P.L. 114-198

U.S. DEPARTMENT OF JUSTICE
AUTHORIZATION OF APPROPRIATIONS 13/
(Dollars in Thousands)

Appropriated Program	Last Year of Express Authorization of Appropriation	Auth Level in Last Year of Express Authorization of Appropriation	Appropriation in Last Year of Express Authorization of Appropriation	FY 2016 Amount Appropriated or specified in report 13/	FY 2017 Annualized CR Amount	FY 2018 Request	Authorization of Appropriation Citation
Domestic Victims of Trafficking							Justice for Victims of Trafficking Act
Crime Victims Fund	indef.	indef.	705,000	3,042,000	3,042,000	3,000,000	42 USC 10801 et seq.
Vision 21				[0]	[0]	[0]	Department of Justice Appropriations Act, 2016 (P.L. 113-235)
Victims of Trafficking				[0]	[0]	[0]	22 USC 7110(d) (foreign); 42 USC 14044(c) (state and local)
Inspector General Oversight				[10,000]	[10,000]	[10,000]	Department of Justice Appropriations Act, 2016 (P.L. 113-235)

- 1/ The Department's FY 2013 appropriations act merged the Office of the Federal Detention Trustee (OFDT) with the U.S. Marshals Service. The costs associated with the care of federal detainees are now funded through the U.S. Marshals Service-Federal Prisoner Detention (FPD) appropriation. The FY 2017 budget continues the authority to transfer remaining prior year unobligated balances from OFDT to the FPD appropriation.
- 2/ The amount is subject to negotiation between the Attorney General and Secretary for Health and Human Services.
- 3/ Number includes total appropriation, including \$4 million transfer from DHS Immigration Examinations Fee.
- 4/ The National Security Division was established by Section 506(b)(1), P.L. 109-177, and received appropriations in FY 2007 - 2016. However, there have not been any authorizations of appropriations for the National Security Division.
- 5/ The Consolidated Youth Oriented Program includes the following programs: Engaging Men and Youth in Prevention, Grants to Assist Children and Youth Exposed to Violence, Supporting Teens Through Education Program, and Services to Advocates and Respond to Youth.
- 6/ P.L. 111-347 provided the September 11th Victim Compensation Fund \$875 million over the first 6 years (FY 2012-FY 2016), with the remaining \$1.9 billion provided in FY 2017. However, P.L. 114-113 allowed for the \$1.9 billion plus the remainder of the \$875 million to be available in FY 2016. Pursuant to P.L. 114-113, the remainder of the original \$2,775 million was transferred to a different account (the Victims Compensation Fund line item, listed above) in FY 2017. Over \$500 million was transferred to that account so that approximately \$5.4 billion is available in FY 2017. Based on current estimates of claims activity in FY 2017 (which are subject to a wide variety of factors and thus may change), it is estimated that approximately \$4.4 billion will be available in FY 2018.
- 7/ The Violence Against Women Reauthorization, 2013 codified the consolidation of the Safe Havens and Court Improvements Programs. These programs were first consolidated in the FY 2013 appropriation. The cited provision in USC for the Safe Havens program is now the authorization of appropriations for the Justice for Families program. The cited provision in USC for the Court Training and Improvements program has been repealed.
- 8/ The cited provision in USC for the Engaging Men and Youth program has been repealed.
- 9/ Services to Advocate and Respond to Youth: the cited provision in USC is now the authorization of appropriations for the CHOOSE Youth Program.
- 10/ Children and Youth Exposed to Violence: the cited provision in USC is now part of the authorizing statute for the SMART Prevention Program
- 11/ The cited provision in USC for the Supporting Teens Through Education and Prevention program has been repealed.
- 12/ In FY 2017, the President's Budget requests an independent line item appropriation for this program; in previous years, the Research on Domestic Radicalization program was supported by a carve-out under the Byrne Justice Assistance Grant (JAG) Program, which is appropriated under the State and Local Law Enforcement Assistance appropriations account.
- 13/ This chart generally references the authorization of appropriations, not the Acts authorizing operation of specific programs.
- 14/ In accordance with the Budget Control Act of 2011 and the Office of Management and Budget's FY 2016 Sequestration Preview Report, the following mandatory accounts must take a 7.3 percent reduction for sequestration in FY 2016: September 11th Victims Compensation Fund (\$0.8 million); Fees and Expenses of Witnesses (\$19.7 million); Diversion Control Fee Account (\$28.9 million); Assets Forfeiture Fund (\$119.7 million of permanent, indefinite authority); and the Crime Victims Fund (\$893 million). In addition, the administrative fees for the following accounts must take a 7.3 percent reduction for sequestration in FY 2016: Public Safety Officer's Death Benefits (\$292,000) and the Commissary Fund (\$5.25 million).
- 15/ In accordance with the Budget Control Act of 2011 and the Office of Management and Budget's FY 2016 Sequestration Preview Report, the following mandatory accounts must take a 6.8 percent reduction for sequestration in FY 2016: September 11th Victims Compensation Fund (TOD), Fees and Expenses of Witnesses (\$18.4 million), Diversion Control Fee Account (\$25.0 million), Assets Forfeiture Fund (\$148.4 million of permanent, indefinite authority), and the Crime Victims Fund (\$897 million). In addition, the administrative fees for the following accounts must take a 6.8 percent reduction for sequestration in FY 2016: Public Safety Officer's Death Benefits (\$677,000) and the Commissary Fund is no longer being requested.
- 16/ The H of the James Zadroga 9/11 Health and Compensation Act of 2010 (P.L. 111-347) reopened the September 11th Victim Compensation Fund (VCF), extending eligibility for compensation associated with physical harm stemming from debris removal and extending the deadline for claims associated with harms not discovered before the Fund's original deadline. The VCF was established by the Air Transportation Safety and System Stabilization Act (P.L. 107-42) as an alternative to litigation, and had terminated operations in 2004 after making compensation payments of more than \$7 billion to survivors of 2,880 persons killed in the September 11, 2001 terrorist attacks and to 2,680 individuals who were injured in the attacks and subsequent rescue efforts. The James Zadroga 9/11 Health and Compensation Act of 2010 reopened the VCF and made \$2.775 billion available for the settlement of claim determinations issued on or before December 17, 2015. Once all claims in this group are resolved, any remaining funds will become available in the new Victims Compensation Fund. The Victims Compensation Fund will be available for the settlement of claim determinations issued after December 17, 2015. Public Law 114-113 provided for \$4.6 billion in the new Victims Compensation Fund starting in FY 2017.

and

U.S. Department of Justice
FY 2018 PERFORMANCE BUDGET
Congressional Submission

General Administration



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I. Overview of General Administration

For the General Administration (GA), the Department of Justice (DOJ) requests a total of 441 permanent positions (147 attorneys), 426 FTE (68 reimbursable), and \$114.0 million for FY 2018. This request represents an increase of \$2.7 million from the FY 2017 Continuing Resolution. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

For GA, the primary mission is to support the Attorney General and DOJ senior policy level officials in managing Department resources and developing policies for legal, law enforcement, and criminal justice activities. GA also provides administrative support services to the legal divisions and policy guidance to all Department organizations. GA's mission supports every aspect of the DOJ strategic plan. Most GA offices have significant oversight responsibilities that shape DOJ policy and influence the way the Department works toward meeting each of its strategic goals.

GA consists of four decision units:

- Department Leadership
 - Attorney General, Deputy Attorney General, Associate Attorney General
 - Privacy and Civil Liberties, and
 - Rule of Law
 - Office for Access to Justice
- Intergovernmental Relations and External Affairs
 - Public Affairs
 - Legislative Affairs, and
 - Tribal Justice
- Executive Support and Professional Responsibility
 - Legal Policy
 - Professional Responsibility
 - Information Policy, and
 - Professional Responsibility Advisory Office
- Justice Management Division

Department Leadership

These offices develop policies regarding the administration of justice in the United States, and direct and oversee the administration and operation of the Department's bureaus, offices, and divisions to ensure DOJ's success in meeting its strategic goals. These offices also provide advice and opinions on legal issues to the President, members of Congress, and the heads of Executive Departments and Agencies.

Intergovernmental Relations and External Affairs

These offices conduct legal and policy analysis of the initiatives necessary for DOJ to meet its strategic goals, and in the many areas in which the Department has jurisdiction or responsibilities. They also act as liaison with federal, state, local and tribal governments, law enforcement officials, the media and Congress on Department activities.

Executive Support and Professional Responsibility

These offices plan, develop, and coordinate the implementation of major policy initiatives of high priority to the Department and to the administration and represent the Department in the administration's judicial process for Article III judges. These offices also oversee the investigation of allegations of criminal and ethical misconduct by DOJ's attorneys, criminal investigators, or other law enforcement personnel and encourage compliance with the Freedom of Information Act.

Justice Management Division (JMD)

JMD provides advice to senior DOJ officials and develops departmental policies in the areas of management and administration, ensures compliance by DOJ components with departmental and other federal policies and regulations, and provides a full range of management and administration support services.

Environmental and Sustainability Services (ESS) is a program responsibility that falls under the Justice Management Division. The duties of this program are:

- To provide guidance for Department compliance on legislation, executive orders, and other regulations
- To provide leadership and support to DOJ components
- To develop and implement DOJ environmental and energy policies and management plans
- To ensure the Department complies with the DOJ occupational safety and health order
- To represent DOJ at interagency workgroups to meet the various regulatory mandates and
- To ensure DOJ participation in the climate resilience and adaptation planning effort

There are three primary Executive Orders (EOs) that govern the activities under ESS areas:

- EO 13693 – “Planning for Federal Sustainability in the next Decade”
- EO 12196 – “Occupational Safety and Health Programs for Federal Employees,” and
- EO 13690 – “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input”

There are also five key pieces of legislation that guide ESS activities:

- Energy Independence and Security Act, 2007
- Energy Policy Act (EPAct) of 2005
- Environmental Regulations, Title 40 Code of Federal Regulations (C.F.R.), *Protection of Environment, July 1, 2002*

- The Occupational Safety and Health Act of 1970, and
- 29 C.F.R. Part 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs

EO 13693 requires federal agencies to annually submit the Strategic Sustainability Performance Plan (SSPP) to the Council on Environmental Quality (CEQ) Chair and the Director of the Office of Management and Budget (OMB). The SSPP integrates previous EOs, statutes, and requirements into a single framework that details the agency strategy for achieving goals and targets required. The SSPP explains how the agency will progress from today toward achieving each goal. The Department is going to submit the SSPP on June 30, 2017. There are ten goals and one additional plan under the Department's SSPP.

- GOAL 1: Greenhouse Gas (GHG) Reduction and Energy Savings
- GOAL 2: Sustainable Buildings
- GOAL 3: Clean & Renewable Energy
- GOAL 4: Water Use Efficiency and Management
- GOAL 5: Fleet Management
- GOAL 6: Sustainable Acquisition
- GOAL 7: Pollution Prevention and Waste Reduction
- GOAL 8: Energy Performance Contracts
- GOAL 9: Electronic Stewardship and Data Centers
- GOAL 10: Climate Change Resilience

Additional plans: Fleet Management Plan

In addition to having the lead on coordinating efforts to meet the SSPP goals for the Department, ESS also has responsibility for the following:

- Coordinating and submitting the SSPP to CEQ/OMB annually in June – due June 30, 2017, and will submit an update in June 2018.
- Implementing an Electronic Stewardship Program to include acquisition, operations and maintenance and disposal of electronic products.
Submitting Department GHG inventory to CEQ and OMB annually in January – submitted on January 29, 2017.
- Submitting the Department OMB scorecard semiannually to OMB (January and July) and following through with bureaus and components for improvement. Submitted the OMB scorecard on January 29, 2017 and will submit a progress report in June 2017.
- Implementing and updating the status of the Energy Savings Performance Contracts (ESPC) to OMB monthly through the end of 2017. Submit the ESPC contracts' status in the OMB scorecard on January 29, 2017, and update status monthly into OMB Max.
- Responding to internal and external customer concerns regarding environmental, health and safety program areas.
- Working closely with the Procurement Policy and Review Group in the sustainable acquisitions program area. Monitor Procurement Guidance Document: Requirement

to incorporate Biobased Terms and Conditions in Solicitations, purchase Electronic Product Environmental Assessment Tool and Energy Star products and Green Acquisition Plan.

- Implementing a department-level higher-tier Environmental Management System (EMS) as the primary management approach for addressing environmental aspects of internal agency operations and activities, including environmental aspects of energy and transportation functions to achieve the sustainability goals.
- Implementing Sustainable Buildings Implementation Plan, Metering Plan, Recycling & Solid Waste Management Plan, Climate Change Adaptation Plan and Flood Risk Implementation Plan.
- Leading the safety program for the Offices, Boards, and Divisions.
- Composing the annual Department Occupational Safety and Health Administration report, which will be submitted to the Department of Labor – due in May 2017.
- Conducting safety evaluations for the Bureaus, Offices, Boards, and Divisions.
- Providing oversight and acting as a safety resource for all DOJ employees, including safety training and ergonomic evaluation support.

II. Summary of Program Changes – No program changes

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

For expenses necessary for the administration of the Department of Justice, *\$114,000,000 [125,896,000]*, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

Analysis of Appropriations Language

No substantive changes proposed.

IV. Decision Unit Justification

A. Department Leadership

<i>Department Leadership</i>	Direct Pos.	Estimate FTE	Amount
2016 Enacted	72	55	18,066
2017 Continuing Resolution	72	55	17,854
Adjustments to Base and Technical Adjustments	-16	-16	-184
2018 Current Services	56	39	17,670
2018 Request	56	39	17,670
Total Change 2017-2018	-16	-16	-184

1. Program Description

The Department Leadership decision unit includes:

- Office of the Attorney General
- Office of the Deputy Attorney General
- Office of the Associate Attorney General
- Office of Privacy and Civil Liberties
- Rule of Law Office
- Office for Access to Justice

The general goals and objectives of the Department Leadership decision unit are:

Advise the President on Constitutional matters and legal issues involving the execution of the laws of the United States.

Formulate and implement policies and programs that advise the administration of justice in the United States.

Provide executive-level leadership in:

- preventing terrorism
- the war on drugs
- combating violent crimes
- investigating and prosecuting fraud and other white collar crimes
- diminishing prison overcrowding, and
- enforcing environmental and civil rights laws

Provide executive-level oversight and management of:

- international law enforcement training and assistance
- financial institutions reform, recovery, and enforcement programs, and
- investigative policy

Coordinate criminal justice matters with federal, state, and local law enforcement and criminal justice agencies.

Prepare and disseminate an *Annual Report* to the Congress and the public regarding the programs and accomplishments of the Department of Justice.

Develop, review, and oversee the Department's privacy policies and operations to ensure privacy compliance.

The Attorney General (AG), as head of the DOJ, is the nation's chief law enforcement officer and is appointed by the President and confirmed by the Senate. The AG furnishes advice and opinions on legal matters to the President, the Cabinet and to the heads of the executive departments and agencies of the government, as provided by law, and makes recommendations to the President concerning appointments within the Department, including U.S. Attorneys and U.S. Marshals. The AG appears in person to represent the Federal Government before the U.S. Supreme Court in cases of exceptional gravity or importance, and supervises the representation of the government in the Supreme Court and all other courts, foreign and domestic, in which the United States is a party or has an interest as may be deemed appropriate. The AG supervises and directs the administration and operation of the DOJ, including the Federal Bureau of Investigation; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms and Explosives; Bureau of Prisons; Office of Justice Programs; U.S. Attorneys; and U.S. Marshals Service.

The Deputy Attorney General (DAG) advises and assists the AG in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department. The DAG is appointed by the President and confirmed by the Senate and is second in command of the Department. The DAG exercises all the power and authority of the AG unless any such power of authority is required by law to be exercised by the AG personally or has been specifically delegated exclusively to another Department official. The DAG exercises the power and authority vested in the AG to take final action in matters specifically pertaining to:

- the employment, separation, and general administration of personnel in the Senior Executive Service (SES) and of attorneys and law students regardless of grade or pay
- the appointment of special attorneys and special assistants to the AG
- the appointment of Assistant U.S. Trustees and fixing of their compensation, and
- the approval of the appointment by U.S. Trustees of standing trustees and fixing of their maximum annual compensation and percentage fees as provided in 28 U.S.C. 586 (e)

The DAG also coordinates departmental liaison with White House staff and the Executive Office of the President, and coordinates and controls the Department's reaction to terrorism and civil disturbances.

The Associate Attorney General (AAG) is appointed by the President and is subject to confirmation by the Senate. As the third-ranking official of the Department, the AAG is a principal member of the AG's senior management team and advises and assists the AG and DAG on the formulation and implementation of DOJ policies and programs. In addition to these duties, the AAG oversees the work of the following divisions:

- Antitrust
- Civil
- Civil Rights
- Environment and Natural Resources, and
- Tax Division

This office also has oversight responsibility for:

- the Office of Justice Programs
- the Office of Community Oriented Policing Services
- the Community Relations Service
- the Office on Violence Against Women
- the Office of Information Policy
- the Executive Office for U.S. Trustees, and
- the Foreign Claims Settlement Commission

The Office of Privacy and Civil Liberties (OPCL) supports the Department's Chief Privacy and Civil Liberties Officer (CPCLO), who serves in the Office of the Deputy Attorney General and is the principal advisor to Department leadership and components on privacy and civil liberties matters affecting the Department's missions and operations. The CPCLO determines the Department's privacy policy and standards, consistent with applicable law, regulation, and Administration policy. OPCL works with the CPCLO and supports the fulfillment of the CPCLO's statutory duties set forth in Section 1174 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 and Section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007. OPCL's primary mission is to implement the Department's privacy policies relating to the protection of individual privacy and civil liberties, including in the context of the Department's counterterrorism, cybersecurity, and law enforcement efforts, and to ensure Department compliance with federal information privacy laws and requirements. OPCL works with the Administration, Congress, the Privacy and Civil Liberties Oversight Board, and other executive branch agencies on high priority privacy and civil liberties issues affecting the Federal Government. OPCL is responsible for:

- providing legal and policy guidance on privacy and civil liberties issues
- reviewing proposed legislation and initiatives that impact privacy issues
- providing privacy training
- reviewing privacy redress and complaint issues, and
- fulfilling the Department's various privacy reporting requirements

In March 2007, pursuant to his responsibilities under 22 U.S.C 3927 and 2656, the U.S. Ambassador in Iraq reorganized all civilian and law enforcement efforts supporting Rule of Law in Iraq under a single authority, and named a senior Justice Department official as the Rule of Law (ROL) Coordinator at the Embassy. The ROL Coordinator provided oversight for more than 80 personnel under Chief of Mission authority, coordinated these efforts with United States Forces-Iraq to ensure a unified effort, and served as an advisor to the Ambassador on justice-related issues. In December 2011, with the final withdrawal of all U.S. forces from Iraq and the normalization of the U.S. Embassy in Baghdad, DOJ made the transition from the leadership role for ROL development in Iraq under the DOJ-led Office of the ROL Coordinator to a smaller, more-focused mission supervised by the Office of the Justice Attaché. The Justice Attaché position is the senior DOJ official in Iraq (deployed from the Office of the Deputy Attorney General (ODAG)) and is responsible for the Embassy's liaison relationship with the Iraqi court system and the Ministry of Justice, Iraq-related operational matters within Iraqi or U.S. courts, and the coordination of DOJ-implemented capacity building programs.

The primary focus of the Office for Access to Justice is to help the justice system efficiently deliver outcomes that are fair and accessible to all, irrespective of wealth and status. The Office's staff works within DOJ, across federal agencies, and with state, local, and tribal justice system stakeholders to increase access to counsel and legal assistance and to improve the justice delivery systems that serve people who are unable to afford lawyers.

B. Intergovernmental Relations/External Affairs

<i>Intergovernmental Relations/External Affairs</i>	Direct Pos.	Estimate FTE	Amount
2016 Enacted	53	45	9,393
2017 Continuing Resolution	53	45	9,393
Adjustments to Base and Technical Adjustments	-7	-7	867
2018 Current Services	46	38	10,260
2018 Request	46	38	10,260
Total Change 2017-2018	-7	-7	867

1. Program Description

The Intergovernmental Relations/External Affairs decision unit includes:

- Office of Public Affairs
- Office of Legislative Affairs and
- Office of Tribal Justice

The general goals and objectives of the Intergovernmental Relations/External Affairs decision unit are to:

- Improve the process of reviewing and clearing through the Department legislative proposals initiated by other agencies within the Administration.
- Maintain an efficient and responsive legislative liaison service operation.
- Provide support in advancing the Administration's overall legislative agenda.
- Assure policy consistency and coordination of Departmental initiatives, briefing materials, and policy statements.
- Disseminate timely, accurate information about the Department, the AG and the Administration's law enforcement priorities, policies and activities to the media and the general public.
- Enhance and promote the enforcement goals of the Department by distributing news releases, coordinating press conferences, telephone and video conferences to announce indictments, settlements, and statements on civil rights, environmental, criminal, antitrust, and other Department enforcement activities.
- Ensure that all applicable laws, regulations and policies involving the release of information to the public are followed so that material is not made public that might jeopardize investigations and prosecutions, violate rights of defendants or potential defendants or compromise national security interests.
- Promote internal uniformity of Department policies and litigating positions relating to Indian country.

Advise Department components litigating, protecting or otherwise addressing Native American rights and/or related issues.

The Office of Public Affairs (PAO) is the principal point of contact for DOJ with the media. PAO is responsible for ensuring the public is informed about the Department's activities and the priorities and policies of the AG with regard to law enforcement and legal affairs. Its staff advises the AG and other Department officials on all aspects of media relations and general communications. PAO also:

- coordinates with the public affairs units of Departmental components and U.S. Attorneys' Offices
- prepares and issues Department news releases and frequently reviews and approves those issued by components
- serves reporters assigned to the Department by responding to queries, issuing news releases and statements, arranging interviews and conducting news conferences
- ensures that information provided to the media by the Department is current, complete and accurate, and
- ensures that all applicable laws, regulations and policies involving the release of information to the public are followed so that the maximum disclosure is made without jeopardizing investigations and prosecutions, violating rights of individuals or compromising national security interests

The Office of Legislative Affairs (OLA) has responsibility for devising and implementing legislative strategies to carry out Department initiatives that require congressional action. OLA also articulates the views of the Department and its components on proposed legislation and handles the interagency clearance process for the Department with respect to views letters, congressional testimony, and other expressions of Administration policy. OLA responds on behalf of the Department to requests and inquiries from congressional committees, individual Members of Congress, and their staffs. It coordinates congressional oversight activities involving the Department and the appearance of Department witnesses before congressional committees. OLA also participates in the Senate confirmation process for Federal judges and Department nominees, including Assistant Attorneys General and United States Attorneys.

There are over 54 million acres of Indian country, the majority of which is under federal jurisdiction. Hundreds of federal cases, in addition to other conflicts needing resolution are generated in this area each year. The Office of Tribal Justice (OTJ) is responsible for serving as the primary point of contact between the 566 federally recognized tribes and the Department in these matters. OTJ coordinates these complex matters, the underlying policy, and emerging legislation between more than a dozen DOJ components active in Indian country. External coordination with numerous federal agencies, including the Departments of Interior, Health and Human Services, and Homeland Security, as well as the Congress is another of OTJ's duties. OTJ also provides legal expertise in Indian law to the Department in those matters that progress to the Appellate level, or issues being considered for legislation.

C. Executive Support/Professional Responsibility

<i>Executive Support/Professional Responsibility</i>	Direct Pos.	Estimate FTE	Amount
2016 Enacted	65	57	13,260
2017 Continuing Resolution	65	57	13,260
Adjustments to Base and Technical Adjustments	-7	-7	420
2018 Current Services	58	50	13,680
2018 Request	58	50	13,680
Total Change 2017-2018	-7	-7	420

1. Program Description

The Executive Support/Professional Responsibility decision unit consists of:

- Office of Legal Policy
- Office of Professional Responsibility
- Office of Information Policy, and
- the Professional Responsibility Advisory Office

The general goals and objectives of this decision unit are to:

- Improve the Department's efficacy in providing substantive and timely input on the Administration's law enforcement initiatives as well as other legislative proposals affecting Department responsibilities.
- Handle the processing of judicial and other nominations efficiently and responsively.
- Oversee the investigation of allegations of criminal and ethical misconduct by the Department's attorneys, criminal investigators, or other law enforcement personnel.
- Assist Department components in processing Freedom of Information Act (FOIA) requests from the public, as well as promote effective FOIA operations across the Executive Branch.

The Office of Legal Policy (OLP) develops and coordinates the implementation of policy initiatives of high priority to the Department and the Administration; represents the Department in the Administration's judicial process for Article III judges; and reviews and coordinates all regulations promulgated by the Department and its components. OLP is headed by an Assistant Attorney General who is appointed by the President and confirmed by the Senate. OLP also absorbed the functions of the Office of Dispute Resolution (ODR) in FY 2012 from the General Legal Activities appropriation. The mission of ODR is to promote and facilitate the broad and effective use of alternative dispute resolution processes in settling litigation handled by DOJ and in resolving administrative disputes throughout the Executive Branch.

The Office of Professional Responsibility (OPR), which reports directly to the AG, is responsible for investigating allegations of misconduct by DOJ attorneys in their duties to investigate, represent the government in litigation, or provide legal advice. In addition, OPR has jurisdiction to investigate allegations of misconduct by law enforcement personnel when they are related to allegations of attorney misconduct within the jurisdiction of OPR. OPR's primary objective is to ensure that DOJ attorneys continue to perform their duties in accordance with the high professional standards expected of the nation's principal law enforcement agency. OPR is

headed by the Counsel for Professional Responsibility, who is a career government official. Under the Counsel's direction, OPR reviews allegations of attorney misconduct involving violation of any standard imposed by law, applicable rules of professional conduct, or departmental policy. When warranted, OPR conducts full investigations of such allegations and reports its findings and conclusions to the Attorney General and other appropriate Department officials. OPR also serves as the Department's contact with state bar disciplinary organizations. The objectives of OPR are different from the Office of the Inspector General (OIG) in that OPR focuses on allegations of misconduct which affect the ability of the Department to investigate, litigate, or prosecute, while the OIG focuses on allegations of waste and abuse and other matters which do not implicate the ability of the Department to investigate, litigate or prosecute.

The Office of Information Policy (OIP) was established to provide guidance and assistance to all government agencies in administering the Freedom of Information Act (FOIA). Originally part of the Office of Legal Counsel and later the Office of Legal Policy, OIP became an independent office in 1993. OIP is responsible for encouraging agency compliance with the FOIA and for overseeing agency implementation of that law. To carry out those responsibilities OIP develops legal and policy guidance for agencies, publishes the *Department of Justice Guide to the FOIA*, conducts multiple training sessions, and provides counseling services to help agencies properly implement the law. OIP also establishes reporting requirements for all agencies and conducts assessments of their progress in implementing the FOIA. In addition to these government-wide responsibilities, OIP adjudicates, on behalf of the Department, administrative appeals from denials of access to information made by the Department's components, processes initial requests made for the records of the Senior Leadership Offices, and handles the defense of certain FOIA litigation cases.

The Professional Responsibility Advisory Office (PRAO) is responsible for providing professional responsibility advice and training to all Department attorneys, including United States Attorneys and Assistant United States Attorneys, on how they may carry out their duties in compliance with the applicable rules of professional conduct. PRAO serves as a liaison with state and federal bar associations relating to the implementation and interpretation of the rules of professional conduct. PRAO coordinates with the litigating components of the Department to defend all Department attorneys in any disciplinary or other hearings concerning allegations of professional misconduct. PRAO assembles and maintains the professional responsibility rules, interpretative decisions and bar opinions of every state, territory and the District of Columbia. PRAO's Director is a career government senior executive.

D. Justice Management Division

<i>Justice Management Division</i>	Direct Pos.	Estimate FTE	Amount
2016 Enacted	382	328	70,781
2017 Continuing Resolution	382	328	70,781
Adjustments to Base and Technical Adjustments	-101	-97	1,609
2018 Current Services	281	231	72,390
2018 Request	281	231	72,390
Total Change 2017-2018	-101	-97	1,609

1. Program Description

The Justice Management Division (JMD), under the direction of the Assistant Attorney General for Administration, provides advice and assistance to senior management officials relating to basic Department policy for budget and financial management, personnel management and training, facilities, procurement, equal employment opportunity, information processing, records management, security, and all other matters pertaining to organization, management and administration. JMD provides direct administrative support services such as personnel, accounting, procurement, library, budget, facilities and property management to offices, boards and divisions of the Department and operates several central services, such as automated data processing and payroll, on a reimbursable basis through the Working Capital Fund. The Division collects, organizes, and disseminates records information that is necessary for the Department to carry out its statutory mandate and provides general research and reference assistance regarding information to Department staff, other government attorneys, and members of the public.

The major functions of JMD are to:

- Review and oversee management functions, programs, operating procedures, supporting systems and management practices.

- Supervise, direct, and review the preparation, justification, and execution of the Department's budget, including the coordination and control of the programming and reprogramming of funds.

- Review, analyze, and coordinate the Department's programs and activities to ensure that the Department's use of resources and estimates of future requirements are consistent with the policies, plans, and mission priorities of the Attorney General.

- Plan, direct, and coordinate department-wide personnel management programs and develop and issue department-wide policy in all personnel program areas.

- Direct department-wide financial management policies, internal controls, programs, procedures, and systems including financial accounting, planning, analysis, and reporting.

- Formulate and administer the GA appropriation of the Department's budget.

- Plan, direct, administer, and monitor compliance with department-wide policies, procedures, and regulations concerning:

- o records
- o reports

- o procurement
- o printing
- o graphics
- o audiovisual activities
- o forms management
- o supply management
- o motor vehicles
- o real and personal property
- o space assignment and utilization
- o employee health and safety programs, and
- o other administrative services functions

Direct all Department security programs including:

- o personnel
- o physical
- o document
- o information processing
- o telecommunications, and
- o special intelligence

Formulate and implement Department defense mobilization and contingency planning.

Review legislation for potential impact on the Department's resources.

Establish policy and procedures related to debt collection and asset forfeiture.

Direct the Department's ethics program by administering the ethics laws and regulations and coordinating the work of the deputy ethics officials throughout the Department, including issuing advice, providing ethics briefings, and reviewing financial disclosure reports.

PERFORMANCE AND RESOURCES TABLE										
Decision Unit: Justice Management Division										
RESOURCES										
	Target		Actual		Projected		Changes		Requested (Total)	
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Total Costs and FTE [reimb]	328	70,781 [4,025]	344	71,281 [8,202]	330	79,869 [4,025]	0	0	330	73,257
TYPE/ STRATEGIC OBJECTIVE	FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
PERFORMANCE	FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
Program Activity: Human Capital	54	11,259	54	11,259	54	11,259	0	0	54	11,259
Number of Personnel Actions	353,822		361,331		353,862		0	0	289,140	
Number of Whistleblower Case Issuances	40		53		40		0	0	40	
Ensure there are sufficient replacement workers for separations (ratio)	0.50		0.57		0.50				0.50	
Reduce percentage of permanent employees separating with less than one year of service	20		36.51		20		0	0	20	
Budget and Performance Integration	52	7,777	48	7,427 [360]	52	7,784	0	0	36.48	6,837
Monitor Budget & Performance Goals Quarterly for all Accounts	100%		100%		100%		0	0	100%	
Secure and Consolidated Facilities	115	19,347	102	16,779 [2,461]	115	19,347	0	0	74.88	17,010
Number of Security Compliance Reviews/Follow-Ups Completed	12		18		12		0	0	12	
Number of Employee/Contractor Adjudications Completed	7,000		8,541		7,000		0	0	8,000	
Ensure components have current COOP plans	100		87		26		0	0	26	

Performance Report and Performance Plan Targets		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Measure	Number of Personnel Actions	284,303	207,868	388,519	375,552	391,131	353,862	289,140							
Performance Measure	Number of Whistleblower Case issuances	63	39	90	30	83	40	40							
Performance Measure	Reduce percentage of permanent employees separating with less than one year of service	10.50	10.25	10.75	20	8.51	20	20							
Performance Measure	Ensure there are sufficient replacement workers for separations (ratio)	0.69	0.75	1.28	0.5	0.87	0.5	0.5							
Performance Measure	Monitor Budget & Performance Goals Quarterly for all Accounts	100%	100%	100%	100%	100%	100%	100%							
Performance Measure	Number of Security Compliance Reviews/Follow-ups Completed	42	14	16	15	16	12	12							
Performance Measure	Number of Employee/Contractor Adjudications Completed	11,523	10,764	11,230	10,000	9,541	7,000	7,000							
Performance Measure	Ensure components have current COOP plans	75	100	100	100	100	100	87							

Measures were adjusted in the FY 2013 submission to align with reporting on the quarterly status report.

N/A = Data unavailable

Performance, Resources, and Strategies

The mission of JMD is “Serving Justice by Securing Results with Strategic Counsel.” JMD’s performance measures are centered on our mission and organized in the following performance areas:

Human Capital - to recruit, hire, train, appraise, reward, and retain a highly qualified and diverse workforce to achieve DOJ’s mission objectives.

Budget and Performance - to manage DOJ resources using integrated budget and performance criteria.

Secure and Consolidated Facilities - to maximize space utilization and ensure safe and secure facilities.

B. Summary of Requirements

Summary of Requirements
 General Administration
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2018 Request		Amount
	Positions	Estimate FTE	
2016 Enacted 1/	572	457	111,500
Total 2016 Enacted	572	457	111,500
2017 Continuing Resolution	572	485	111,500
2017 Rescission - 0.1901%	0	0	-212
Total 2017 Continuing Resolution	572	485	111,288
Base Adjustments			
Pay and Benefits	-131	-127	2,311
Domestic Rent and Facilities	0	0	401
Total Base Adjustments	-131	-127	2,712
Total Technical and Base Adjustments	-131	-127	2,712
2018 Current Services	441	358	114,000
2018 Total Request	441	358	114,000
2017 - 2018 Total Change	-131	-127	2,712

^{1/} FY 2016 FTE is actual

B. Summary of Requirements
Summary of Requirements
 General Administration
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			FY 2017 Continuing Resolution			FY 2018 Technical and Base Adjustments			FY 2018 Current Services		
	Position	Actual	Amount	Position	Est. FTE	Amount	Position	Est. FTE	Amount	Position	Est. FTE	Amount
	\$	FTE	\$	\$		\$	\$		\$	\$		\$
Department Leadership	72	56	18,056	72	55	17,854	-16	-16	-184	56	39	17,670
Intergovernmental Relations & External Affairs	53	45	9,397	53	45	9,393	-7	-7	867	46	38	10,260
Executive Support and Professional Responsibility	65	65	13,250	65	57	13,260	-7	-7	420	58	50	13,680
Justice Management Division	382	302	70,798	382	328	70,781	-101	-97	1,609	281	231	72,390
Total Direct	572	457	111,500	572	485	111,288	-131	-127	2,712	441	358	114,000
Balance Rescission			0			0			0			0
Total Direct with Rescission			111,500			111,288			2,712			114,000
Reimbursable FTE		80			68			0			68	
Total Direct and Reimb. FTE		537			553			-127			426	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		537			553			-127			426	

Program Activity	2018 Increases			2018 Offsets			2018 Request		
	Position	Est. FTE	Amount	Position	Est. FTE	Amount	Position	Est. FTE	Amount
	\$		\$	\$		\$	\$		\$
Department Leadership	0	0	0	0	0	0	56	39	17,670
Intergovernmental Relations & External Affairs	0	0	0	0	0	0	46	38	10,260
Executive Support and Professional Responsibility	0	0	0	0	0	0	58	50	13,680
Justice Management Division	0	0	0	0	0	0	281	231	72,390
Total Direct	0	0	0	0	0	0	441	358	114,000
Balance Rescission			0			0			0
Total Direct with Rescission			0			0			114,000
Reimbursable FTE			0			0			68
Total Direct and Reimb. FTE			0			0			426
Other FTE:									
LEAP		0			0			0	0
Overtime		0			0			0	0
Grand Total, FTE		0			0			426	

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

General Administration
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate	Amount
		FTE	
Pay and Benefits			
1 2018 Pay Raise - 1.9%	0	0	1,017
2018 Pay Raise			
2 Annualization of 2017 Pay Raise - 2.88%	0	0	1,078
Annualization of 2017 Pay Raise			
3 Attrition and/or Administrative Savings	-98	-94	-57
Attrition and Administrative Savings			
4 Health Insurance	0	0	229
Health Insurance			
5 Position Rightsizing Adjustment	-33	-33	0
Position Rightsizing Adjustment			
6 Retirement	0	0	44
Retirement			
Subtotal, Pay and Benefits	-131	-127	2,311
Domestic Rent and Facilities			
1 GSA Rent	0	0	377
GSA Rent			
2 Guard Service	0	0	24
Guard Service			
Subtotal, Domestic Rent and Facilities	0	0	401
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-131	-127	2,712

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability
 General Administration
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover Amount	Recoveries/Refunds Amount	FY 2016 Availability		
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount			Positions	Actual FTE	Amount
Department Leadership	72	55	18,066	0	0	0	0	0	72	55	18,066
Intergovernmental Relations & External Affairs	53	45	9,393	0	0	0	0	0	53	45	9,393
Executive Support and Professional Responsibility	65	55	13,260	0	0	0	0	0	65	55	13,260
Justice Management Division	382	302	70,781	0	0	0	0	0	382	302	70,781
Total Direct	572	457	111,500	0	0	0	0	0	572	457	111,500
Balance Rescission			0								0
Total Direct with Rescission			111,500								111,500
Reimbursable FTE		80								80	
Total Direct and Reimb. FTE		537								537	
Other FTE:											
LEAP FTE		0								0	
Overtime		0								0	
Grand Total, FTE		537								537	

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
 General Administration
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution		Reprogramming/Transfers		Carryover Amount	Recoveries/Refunds Amount	FY 2017 Availability		
	Position s	Est. FTE	Position s	Est. FTE			Position s	Est. FTE	Amount
Department Leadership	72	55	17,854	0	0	0	72	55	17,854
Intergovernmental Relations & External Affairs	53	45	9,393	0	0	0	53	45	9,393
Executive Support and Professional Responsibility	65	57	13,260	0	0	0	65	57	13,260
Justice Management Division	382	328	70,761	0	0	0	382	328	70,761
Total Direct	572	485	111,288	0	0	0	572	485	111,288
Balance Rescission									
Total Direct with Rescission			111,288	0	0	0			111,288
Reimbursable FTE		68						68	
Total Direct and Reimb. FTE		553						553	
Other FTE:									
LEAP FTE		0						0	
Overtime		0						0	
Grand Total FTE		553						553	

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources

General Administration
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
All Other Sources	68	80	685	68	68	3,293	68	68	3,293	0	0	0
Antitrust Division	0	0	274	0	0	496	0	0	496	0	0	0
Asset Forfeiture Fund	0	0	220	0	0	2	0	0	2	0	0	0
Bureau of Alcohol, Tobacco, Firearms and Explosives	0	0	735	0	0	648	0	0	648	0	0	0
Community Oriented Policing Services	0	0	145	0	0	17	0	0	17	0	0	0
Department of Health and Human Services	0	0	0	0	0	0	0	0	160	0	0	0
Department of Interior	0	0	0	0	0	17	0	0	17	0	0	0
Drug Enforcement Administration	0	0	941	0	0	929	0	0	929	0	0	0
Executive Office for Immigration Review	0	0	285	0	0	451	0	0	451	0	0	0
Federal Bureau of Investigation	0	0	4,112	0	0	5,218	0	0	5,218	0	0	0
Federal Prison System	0	0	6,794	0	0	3,013	0	0	3,013	0	0	0
Foreign Claims Settlement Commission	0	0	1	0	0	1	0	0	1	0	0	0
General Legal Activities	0	0	3,022	0	0	3,578	0	0	3,578	0	0	0
National Security Division	0	0	570	0	0	684	0	0	684	0	0	0
Office of Inspector General	0	0	0	0	0	150	0	0	150	0	0	0
Office of Justice Programs	0	0	93	0	0	90	0	0	90	0	0	0
Office of the Inspector General	0	0	130	0	0	62	0	0	62	0	0	0
Office on Violence Against Women	0	0	190	0	0	201	0	0	201	0	0	0
Organized Crime Drug Enforcement Task Force	0	0	0	0	0	3	0	0	3	0	0	0
U.S. Attorneys	0	0	4,677	0	0	5,174	0	0	5,174	0	0	0
U.S. Marshals Services	0	0	544	0	0	491	0	0	491	0	0	0
U.S. Parole Commission	0	0	2	0	0	2	0	0	2	0	0	0
U.S. Trustees	0	0	351	0	0	320	0	0	320	0	0	0
Budgetary Resources	68	80	23,771	68	68	25,000	68	68	25,000	0	0	0

Obligations by Program Activity	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Department Leadership	6	6	995	6	6	897	6	6	897	0	0	0
Intergovernmental Relations & External Affairs	3	1	153	3	3	328	3	3	328	0	0	0

H Summary of Reimbursable Resources

Summary of Reimbursable Resources

General Administration
Salaries and Expenses
(Dollars in Thousands)

Executive Support and Professional Responsibility	42	57	10,656	42	42	10,923	42	42	10,923	0	0	0
Justice Management Division	17	16	11,967	17	17	12,852	17	17	12,852	0	0	0
General Administration - No-Year	0	0	0	0	0	0	0	0	0	0	0	0
Budgetary Resources	68	80	23,771	68	68	25,000	68	68	25,000	0	0	0

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
 General Administration
 Salaries and Expenses
 (Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Request				
	Direct Pos.	Remb. Pos.	Direct Pos.	Remb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Miscellaneous Operations (901-099)	7	5	7	5	0	0	0	7	5
Security Specialists (980)	40	0	40	0	0	0	0	40	0
Personnel Management (0200-0280)	31	1	31	1	0	0	0	31	1
Clerical and Office Services (0300-0389)	205	10	205	8	-131	0	0	74	8
Accounting and Budget (500-599)	49	1	49	1	0	0	0	49	1
Paralegals / Other Law (900-988)	14	2	14	2	0	0	0	14	2
Attorneys (905)	147	52	147	42	0	0	0	147	42
Information & Arts (1000-1089)	12	4	12	4	0	0	0	12	4
Business & Industry (1100-1199)	28	0	28	0	0	0	0	28	0
Library (1400-1499)	34	4	34	4	0	0	0	34	4
Equipment/Facilities Services (1600-1699)	1	1	1	1	0	0	0	1	1
Supply Services (2000-2099)	2	0	2	0	0	0	0	2	0
Information Technology Mgmt. (2210-2299)	4	0	4	0	0	0	0	4	0
Total	572	80	572	68	-131	0	0	441	68
Headquarters Washington D.C.	570	0	570	68	-131	0	0	439	68
US Fields	0	0	0	0	0	0	0	0	0
Foreign Field	2	0	2	0	0	0	0	2	0
Total	572	80	572	68	-131	0	0	441	68

Summary of Requirements by Object Class
 General Administration
 Salaries and Expenses
 (Dollars in Thousands)

K. Summary of Requirements by Object Class

Object Class	FY 2016 Actual			FY 2017 Continuing			FY 2018 Request			Increase/Decrease		
	Act. FTE	Amount	Resolution		Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
			Direct FTE	Amount								
11.1 - Full-time permanent	457	52,181	485	54,732	358	56,827	-127	2,095				
11.3 - Other than full-time permanent	0	4,130	0	337	0	337	0	0				
11.5 - Other personnel compensation	0	1,295	0	717	0	717	0	0				
<i>Overtime</i>	0	0	0	0	0	0	0	0				
<i>Other Compensation</i>	0	0	0	0	0	0	0	0				
11.8 - Special personal services payments	0	0	0	0	0	0	0	0				
Total	457	57,606	485	55,786	358	57,881	-127	2,095				
Other Object Classes												
12.1 - Civilian personnel benefits		16,954		16,979		17,195		216				
21.0 - Travel and transportation of persons		797		2,683		2,683		0				
22.0 - Transportation of things		795		2,700		2,700		0				
23.1 - Rental payments to GSA		18,468		18,084		18,471		377				
23.3 - Communications, utilities, and miscellaneous charges		1,902		2,008		2,008		0				
24.0 - Printing and reproduction		37		61		61		0				
25.1 - Advisory and assistance services		10,886		1,565		1,565		0				
25.2 - Other services from non-federal sources		0		4,261		4,261		0				
25.3 - Other goods and services from federal sources		0		3,724		3,724		0				24
25.4 - Operation and maintenance of facilities		0		616		616		0				0
26.0 - Supplies and materials		2,000		2,218		2,218		0				0
31.0 - Equipment		122		617		617		0				0
Total Obligations		109,567		111,288		114,000		2,712				
Net of:												
Unobligated Balance, Start-of-Year		0		0		0		0				0
Transfers/Reprogramming		0		0		0		0				0
Recoveries/Refunds		0		0		0		0				0
Balance Rescission		0		0		0		0				0
Unobligated End-of-Year, Available		0		0		0		0				0
Unobligated End-of-Year, Expiring		1,933		0		0		0				0
Total Direct Requirements		111,500		111,288		114,000		2,712				
Reimbursable FTE	80		88		68							
Full-Time Permanent												0

U.S. Department of Justice
FY 2018 PERFORMANCE BUDGET
Congressional Justification
Justice Information Sharing Technology

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I. Overview

The FY 2018 Justice Information Sharing Technology (JIST) request totals \$30,941,000 and includes 34 authorized positions. JIST traditionally has funded the Department of Justice's enterprise investments in information technology (IT), and this submission seeks to continue along the path of IT Transformation moving the Office of the Chief Information Officer toward a service-broker management model.

As a centralized fund under the control of the Department of Justice Chief Information Officer (DOJ CIO), the JIST account ensures that investments in IT systems, cybersecurity, and information sharing technology are well planned and aligned with the Department's overall IT strategy and enterprise architecture. CIO oversight of the Department's IT environments is critical, given the level of staff dependence on the IT infrastructure and security environments necessary to conduct legal, investigative, and administrative functions.

In FY 2018, the JIST appropriation will fund the DOJ CIO's continuing efforts to transform IT enterprise infrastructure and cybersecurity. These efforts include resources for the Office of the CIO's responsibilities under the Clinger-Cohen Act of 1996, and more recently resources to perform financial management and reporting and IT program management responsibilities directed by the Federal Information Technology Acquisition Reform Act (FITARA; P.L. 113-291). JIST will fund investments in IT infrastructure, cybersecurity infrastructure and applications that support the overall mission of the Department and contribute to the achievement of DOJ strategic goals. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the internet using internet address: <http://www.justice.gov/02organizations/bpp.html>.

DOJ will continue its savings reinvestment strategy, enacted in the FY 2014 budget, which will support Department-wide IT initiatives. As a result, up to \$35,400,000 from Components may be reprogrammed in FY 2018 and will be available until expended to augment JIST resources to advance initiatives that transform IT enterprise infrastructure and cybersecurity across the Department.

II. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$30,941,000 to remain available until expended: *Provided*, That the Attorney General may transfer up to \$35,400,000 to this account from funds made available to the Department of Justice in this Act for information technology, to remain available until expended, for enterprise-wide information technology initiatives: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act.

Analysis of Appropriations Language

No substantive changes proposed.

General Provision Language

[Sec. 209. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the Department Investment Review Board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.]

Analysis of Appropriations Language

This provision is no longer required due to the recent IT management controls included in the FITARA legislation, which provides for an inclusive governance process that enables effective planning, budgeting and execution for IT investments at the Department's senior leadership levels.

III. Program Activity Justification

A. Justice Information Sharing Technology – (JIST)

JIST	Direct Pos.	Estimate FTE	Amount (\$000)
2016 Enacted	45	45	31,000
2017 Continuing Resolution	45	45	31,000
Rescission – 0.1901% Adjustments to Base and Technical Adjustments			-59
2018 Current Services	34	34	30,941
2018 Request	34	34	30,941
Total Change 2017-2018	-11	-11	-59

1. Program Description

JIST-funded programs support progress toward the Department’s strategic goals by funding the Office of the CIO, which is responsible for the management and oversight of the Department’s IT portfolio. The JIST appropriation supports the daily OCIO IT-related activities relied upon by the Department’s agents, attorneys, analysts, and administrative staff, and funds the following programs: cybersecurity; enterprise-wide, cost-effective IT infrastructure; Digital Services, and information sharing technologies.

a. Cybersecurity (Cross Agency Priority Goal)

Enhancing cybersecurity remains a top priority for the Department and its leadership as DOJ supports a wide range of missions that include National Security, law enforcement, prosecution, and incarceration. For each of these critical missions, the systems that support them must be secured to protect the confidentiality of sensitive information, the availability of data and workflows crucial to mission execution, and the integrity of data guiding critical decision-making. DOJ’s cybersecurity investments directly support the President’s Cross Agency Priority (CAP) Goal for cybersecurity that remains a top initiative reflected in the Administration’s FY 2018 budget guidance.

The Department of Justice’s Cybersecurity Services Staff (CSS) currently provides enterprise-level strategic security management, policy development, technology enhancements and solutions, and monitoring capabilities across the enterprise. While CSS continues to improve these activities; service personnel, hardware, and software costs have consistently risen, workload for current responsibilities has increased, threats to our systems have sky rocketed, many enterprise cybersecurity tools have reached end of life, and CSS has taken on new missions (e.g., Supply Chain and Insider Threat Prevention). The confluence of these responsibilities creates a situation whereby CSS, while mature in many aspects of cybersecurity, cannot adequately address the requirements of today’s dynamic threat environment without significant investments similar to levels in FY 2015 – 2017. The amounts requested in this budget address the oversight role of both

DOJ and CSS, but do not cover the Component-level network security management, which is funded through the Component's annual budget.

The major lines of operations within CSS include the Justice Security Operations Center; Identity, Credential, and Access Management (ICAM); Information Security Continuous Monitoring; and Insider Threat Prevention and Detection.

Justice Security Operations Center

The Justice Security Operations Center (JSOC) provides 24x7 monitoring of the Department's internet gateways and incident response management. In its monitoring function, DOJ continues to add new systems and new technologies to DOJ networks that require modern protection with capabilities for combatting the latest attack technologies used by adversaries. Concurrent with the increasing tempo of cyber-attack activities, paradigm shifts in IT, such as cloud computing and ubiquitous mobility, are placing increased emphasis on cybersecurity outside the traditional enterprise boundary. As DOJ embraces these new technological frontiers, CSS must ensure that they can be adopted and deployed in a secure fashion that supports the DOJ and component missions, while safeguarding the Department's data.

The Department needs infrastructure investments to modernize how incident response is handled across our geographically-dispersed DOJ footprint, and adapt to the changing technological landscape associated with cloud and mobility. Much of the Department's significant cybersecurity investments occurred several years back. Today, the JSOC's effectiveness is stunted by aged infrastructure, some of which is past end-of-life and less supportable.

Identity, Credential, and Access Management (ICAM)/Strong Authentication (Including Public Key Infrastructure/HSPD-12)

The role of the Identity, Credential, and Access Management (ICAM) program is to establish a trusted identity for every DOJ user along with the access controls necessary to ensure that the right user is accessing the right resources at the right time. This program provides the planning, training, operational support, and oversight of HSPD-12 Personal Identification Verification card (PIVCard) deployment, and operates the ongoing centralized system for DOJ component employees and contractors. Looking forward, this program will have to address the authentication of mobile users and devices, network devices such as routers, switches, and printers/scanners, those privileged users with increased access and ability, and the broadening scope of cloud technology.

The Department does not currently manage the issuance of digital certificates which act as "keys" to the systems. DOJ PIV certificates are currently issued through the GSA USAccess Program: <http://www.gsa.gov/portal/category/27240>. The Department seeks to complete the build out of the capability to centrally manage (i.e. issue, scan, secure, and revoke) all digital certificates required for use on DOJ systems. This capability will also provide system owners with an automated mechanism to obtain trusted certificates from a

central location. Without a trusted central certificate authority, the Department has no way of knowing where its keys are and who is using them. Should attackers leverage a stolen certificate, they potentially could have unfettered access to Department systems and remain hidden from current JSOC sensors. As more systems move to the cloud and encryption becomes pervasive within the DOJ network, the Department must ensure that system owners are using trusted certificates and have a mechanism in place for detection when these certificates may become compromised.

- **Information Security and Continuous Monitoring**

The Information Security Continuous Monitoring (ISCM) program brings together the security technology tools for continuous diagnostics, mitigation, and reporting with the personnel to support the Federal Information Security Modernization Act (FISMA) system security authorization and implementation of cyber internal controls across the DOJ components. The ISCM program leverages enterprise-wide solutions for automated asset management, configuration, and vulnerability management; tools for scanning networks and systems for anomalies; endpoint encryption for secure workstations and data in-transit; and dashboard reporting for executive awareness and risk-based decision-making in near real-time. ISCM policy analysts fuse this system control assessment data with vulnerability and incident data to provide continuous and dynamic visibility into security posture changes that impact risks to the Department's missions.

- **Insider Threat Program**

The DOJ Insider Threat Prevention and Detection Program (ITPDP) is responsible for protecting sensitive and classified information and resources from misuse, theft, unauthorized disclosure, or espionage by insiders. The DOJ Insider Threat Program was established under Executive Order 13587 directing Executive Branch departments and agencies to establish, implement, monitor, and report on the effectiveness of insider threat programs. The ITPDP is integrated with DOJ Security and Emergency Planning Staff (SEPS) efforts to implement Insider Threat and Security, Suitability, and Credentialing Reform (ITSCR) throughout the Department.

In order to achieve the intent of the Insider Threat Full Operating Capability Goal, DOJ must have the capacity to detect patterns and correlated indicators across multiple types of information (e.g., human resources, information assurance, security, and counterintelligence). Having this capacity can lead to preventing (or mitigating) threats and adverse risks to the security of the United States. Building on FY 2015 - 2017 cyber-related expenditures, FY 2018 JIST funding provides increased capabilities for Continuous Monitoring of user activity on Department IT systems and building a Department hub to centralize information on user activity. The ITPDP will also exchange data with the ITSCR to perform insider threat analysis and investigations. This investment will enable the Department to expand and improve its proactive behavior analysis and detection of suspicious activities in near real time, providing assurance that system users are performing valid work-related activities.

b. IT Transformation

The IT Transformation (ITT) Program is a long-term, multiyear commitment that aims to transform IT by implementing shared IT infrastructure for the Department and shifting investments to the most efficient computing platforms, including shared services and next generation storage, hosting, networking, and facilities. The ITT Program directly supports the Federal CIO's 25 Point Plan to Reform Federal IT Management and the Portfolio Stat (PSTAT) process, and aligns the Department's IT operations with the Federal Data Center Consolidation and Shared First initiatives. Work on these initiatives began in FY 2012 and continues into FY 2018 and beyond. The program consists of the following projects: e-mail consolidation, data center consolidation, enterprise IT cybersecurity investments, and desktops.

c. Law Enforcement Information Sharing Program The Law Enforcement Information Sharing Program has been moved from JIST to WCF and is now in O&M status.

d. Policy, Planning and Oversight

Office of the CIO - DOJ IT Management: JIST funds the Office of the CIO and the Policy & Planning Staff (PPS), which supports CIO management in complying with the Clinger-Cohen Act, FITARA, and other applicable laws, rules, and regulations for federal information resource management. The CIO has staff providing IT services funded through the Department's Working Capital Fund (WCF). As such, the OCIO is responsible for ensuring the delivery of services to customers, developing operating plans and rate structures, producing customer billings, and conducting the day-to-day management responsibilities of the OCIO. Within OCIO, PPS develops, implements, and oversees an integrated approach for effectively and efficiently planning and managing DOJ's information technology resources, including the creation of operational plans for the JIST and WCF accounts, and monitoring the execution of funds against those plans.

- **CIO Role in the Budget Process**

On May 5, 2016, DOJ signed Order 0903, which updated the Department's policies with respect to IT management. This update specifically accounts for provisions enacted in FITARA, and details the Department's CIO's role in IT budget planning and execution, including:

- IT program reporting and review policy, processes, and procedures. Specific reporting instructions and detail are published for each budget planning cycle.
- The authority and the Department CIO participation in budget planning, review, and approval. IT resource planning, reporting, and review instructions are included in the CFO's overall budget planning process instructions, which are published each year and are coordinated with the formal Spring Call budget formulation process.

- The Department CIO's participation in the agency level budget planning, review, and approval processes, as part of his responsibility to advise the Attorney General and other leaders on the use of IT to enhance mission accomplishment, process improvement, and ensure information security.

The Department CIO reviews and approves the resource plans for major IT investments as part of the IT capital planning process. The CIO endorses the agency budget request for FY 2018. CIO participation in budget planning, review, and approval for major IT programs is defined in agency budget planning guidance, policy, and process descriptions. The OCIO worked collaboratively with the Office of Management and Budget to secure approval of the Department's FITARA implementation plan.

PPS is responsible for IT investment management including portfolio, program and project management. The investment management team manages the Department's IT investment and budget planning processes; develops and maintains the Department's general IT program policy and guidance documents; and coordinates the activities of the Department IT Investment Review Board (DIRB), the CIO Council, and the Department Investment Review Council (DIRC). Other responsibilities include managing the Department's Paperwork Reduction Act program, coordinating IT program audits, and ensuring IT program compliance with records management, accessibility (508), and other statutory requirements. In addition, PPS performs reviews to examine planned IT acquisitions and procurements to ensure alignment with the Department's IT strategies, policies, and its enterprise road map.

e. Enterprise IT Architecture

Enterprise Architecture (EA) leverages component-based EA programs and IT Investment Management (ITIM) programs, to create a Federated EA. EA provides high-level guidance on architectural issues and provides a central point for aggregating and reporting on activities from across components. EA monitors and ensures compliance with OMB and Government Accountability Office (GAO) enterprise architecture requirements. EA participates in a wide range of IT planning, governance and oversight processes at the Departmental level, such as the ITIM and Capital Planning and Investment Control (CPIC) processes, as well as participating in review boards and IT planning Initiatives. This interaction allows OCIO to review IT investments for enterprise architecture alignment and to collect specific IT information during the ITIM process. EA documents the DOJ IT Portfolio within an enterprise architecture repository. The enterprise architecture repository contains information on all departmental systems and provides supporting information to Departmental Initiatives and maintains the Department's IT Asset Inventory in compliance with OMB Circular A-130. Additionally, EA represents the Department's components in cross-government EA forums and with oversight agencies, and assists DOJ IT planning and strategic efforts including, but not limited to, Information Sharing, Investment Review, and Open Data.

f. Chief Technology Officer

The Chief Technology Officer (CTO) identifies, evaluates, and facilitates the adoption of innovative new technologies that can result in significantly increased value for the Department. A key objective of the CTO is to create partnerships with DOJ components in the exploration of new technologies by progressing through requirements, concepts, design, component sponsorships, and prototyping that eventually results in enhanced operational systems that support the mission and can be used across the Department.

g. Enterprise Radio Communications (Program Office)

The OCIO maintains oversight and strategic planning responsibility for DOJ's use of spectrum for tactical wireless and related technologies that enable radio and other wireless communications in support of DOJ's law enforcement and investigative missions. JIST-funded OCIO staff is responsible for performing the following functions for the Department's radio/wireless program:

- **Strategic Planning:** OCIO staff works with DOJ's law enforcement components and represents the Department with the National Telecommunication and Information Administration (NTIA), the White House, and other external entities on issues related to spectrum auctions, and the resulting impact to DOJ operations. Staff advises on spectrum relocation and related wireless topics, including the Public Safety Broadband Network (PSBN) and FirstNet. Staff also develops common wireless strategies for the Department, and coordinates procurements, platform sharing, and technical innovations.
- **Spectrum Management:** Staff serves as the Departmental representative to the NTIA and other federal agencies to coordinate all national and international radio frequency (RF) spectrum use on behalf of DOJ.

The coordination of spectrum use includes evaluating thousands of spectrum use requests by other agencies for potential impact on DOJ operations, selecting appropriate frequencies for the domestic and foreign deployment of RF equipment during peacetime and emergency situations, as well as reviewing and updating the approximately 22,000 DOJ-wide frequency assignments and reviewing plans for spectrum relocation as a result of spectrum auctions. The staff will provide guidance and oversight for the procurement of spectrum dependent systems by obtaining certifications of spectrum support from NTIA, Department of Commerce. This process ensures that radio frequencies can be made available prior to the development or procurement of major radio spectrum-dependent systems required to meet mission/operational requirements. NTIA may also review the economic analyses of alternative systems/solutions at any point in the NTIA authorization processes.

- **Spectrum Relocation:** Staff works with leadership, DOJ Budget Staff, and interagency partners (OMB, NTIA) to effectively transition law enforcement wireless capabilities from auctioned radio spectrum to other spectrum bands. A key part of this effort is the Spectrum Relocation Office, which provides oversight of auction proceeds used to vacate spectrum and re-build affected wireless capabilities.

- **Oversight/Liaison/Coordination:** Staff provides oversight and investment guidance on the Department's wireless communications efforts, ensuring equities are maintained and that strategic objectives are met through the administration of the Wireless Communications Board (WCB).

PERFORMANCE AND RESOURCES TABLE									
Decision Unit: JMD/OCIO/Justice Information Sharing Technology (JIST)									
DOJ Strategic Goal/Objective: 2.6 Protect the federal fisc and defend the interests of the United States									
RESOURCES									
	Target		Actual		Projected		Changes		Requested (Total)
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FY 2018 Request
	FY 2016		FY 2016(As of 3/31/16)		FY 2017		Current Services Adjustments and FY 2018 Program Change		FY 2018 Request
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	45	31,000 [9,892]	45	31,000 [44,315]	45	30,941 [25,367]	0	0 [-22,165]	34 30,941 [3,202]
TYPE/ STRATEGIC OBJECTIVE	FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Change		FY 2018
Program Activity	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE
	45	31,000 [9,892]	45	31,000 [44,315]	45	30,941 [25,367]	0	0 [-22,165]	34 30,941 [3,202]
Performance Measure	100%		100%		100%		N/A		100%
Performance Measure	99%		99%		99%		N/A		99%
Performance Measure	99%		99%		99%		N/A		99%
Performance Measure	100%		100%		100%		N/A		100%
Performance Measure	85%		89%		85%		N/A		85%

2. Performance Tables

PERFORMANCE MEASURE TABLE														
Decision Unit: JMD/OCIO/Justice Information Sharing Technology (JIST)														
DOJ Strategic Goal/Objective: 2.6 Protect the federal fisc and defend the interests of the United States														
Performance Measure	FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Report and Performance Plan Targets														
Performance Measure	99%		100%		100%		100%		100%		100%		100%	
Performance Measure	100%		100%		100%		100%		99%		99%		99%	
Performance Measure	99%		99%		99%		99%		99%		99%		99%	
Performance Measure	100%		100%		100%		100%		100%		100%		100%	
Performance Measure	86%		85%		85%		85%		85%		85%		85%	

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

JIST-funded programs support the Strategic Plan for Information Services and Technology (FY 2015 – 2018) that, at its core, seeks to advance, protect, and serve the mission. Programs funded through JIST also support the Department's Strategic Goals by providing enterprise IT infrastructure and security environments necessary to conduct national security, legal, investigative, and administrative functions. Specifically, JIST supports Strategic Objective 2.6: *Protect the federal fisc and defend the interests of the United States*. The FY 2014 –2018 Strategic Goals are:

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

- Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.
- Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels.

The JIST account provides resources so that OCIO can ensure that investments in IT infrastructure, cybersecurity infrastructure and applications, central solutions for commodity applications, and information sharing technologies are well planned and aligned with the Department's overall IT strategy and enterprise architecture. PSTAT process, along with the commodity team structure and process, has identified investment initiatives to transform IT infrastructure which will drive efficiency and cost savings by centralizing the delivery of commodity IT services across the enterprise. The DOJ CIO focus is to advance these initiatives to transform IT enterprise law enforcement infrastructure and cybersecurity requirements.

Major IT investments are periodically reviewed by the Department IT Investment Review Board (DIRB). The Deputy Attorney General chairs the board, and the DOJ CIO serves as vice chair. The DIRB includes the Assistant Attorney General for Administration, the Department's Controller, and various IT executives representing key DOJ components.

The DIRB provides the highest level of investment oversight as part of the Department's overall IT investment management process. The Department's IT investments are vetted annually through the budget submission process, in conjunction with each component's Information Technology Investment Management (ITIM) process. The DIRB's principal functions in fulfilling its decision-making responsibilities are to:

- Ensure compliance with the Clinger-Cohen Act, FITARA, and all other applicable laws, rules, and regulations regarding information resources management;

- Monitor the Department's most important IT investments throughout their project lifecycle to ensure goals are met and the expected returns on investments are achieved;
- Ensure that each project under review has established effective budget, schedule, operational, performance, and security metrics that support the achievement of key project milestones;
- Review the recommendations and issues raised by the components' IT investment management process;
Annually review each component's IT investment portfolio, including business cases for new investments, to enable informed departmental IT portfolio decisions; and
- Develop and implement decision-making processes that are consistent with the purposes of the DIRB, as well as applicable congressional and OMB guidelines for selecting, monitoring, and evaluating information systems investments.

In addition to the DIRB, the Deputy Attorney General in October 2014 established the Department Investment Review Council (DIRC), which is made up of key Department level and component executives that will monitor and support major and high visibility IT projects and services, as well as evaluate IT budget enhancement requests, among other responsibilities. The DIRC directly supports the responsibilities of the DIRB, and its governance structure addresses key IT management tenets included in FITARA. The Department contributes to the Federal IT Dashboard that allows management to review various aspects of major initiatives. The Dashboard includes Earned Value Management System (EVMS) reporting to ensure projects are evaluated against acceptable variances for scope, schedule, and costs. Risk analysis and project funding information are also available in this tool. This allows the Department's CIO and senior management team to have timely access to project information.

JIST provides resources for the executive secretariat functions of the DOJ CIO Council, the principal internal Department forum for addressing DOJ information resource management priorities, policies, and practices. JIST resources also operate the DOJ IT Intake process through which commodity IT planned acquisitions are reviewed against architectural, procurement, and vendor management standards.

In FY 2014 the Department established a Vendor Management Office (VMO), which provides centralized guidance and prioritization for the Department's decentralized strategic sourcing efforts. The VMO's Program Managers and Attorney Advisors bring together a wide range of experience and expertise, which has been instrumental in negotiating enterprise deals, facilitating the resolution of contractual disputes, coordinating, and consolidating component-led efforts and providing comprehensive management for JMD's Department-wide contracts. In order to stay current on new technology and industry best practices, the VMO maintains open and continuous communication with public and private technical and acquisition communities and disseminates findings in VMO-lead monthly meetings with cross-component participation. The VMO also drafts and revises IT acquisition policy and strategy and is currently creating a repository of samples, templates and guides for each step of the IT acquisition process.

b. Strategies to Accomplish Outcomes

Specific mission critical IT infrastructure investments are designed, engineered, and deployed with JIST resources.

- The Cybersecurity program is a long-term investment that has grown in importance over the past several years. Enhancing mission-focused cybersecurity has become a top priority for the President, DOJ, and its leadership. The program consists of four main focus areas:
 1. **Justice Security Operations Center (JSOC):** The 24x7 JSOC provides cyber defense capabilities at the Internet gateway of the Department's network. The JSOC will implement tools and employ resources to reduce time between intrusion detection and response through the following actions: 1) strengthen the network against external and internal threats; 2) expand forensic analysis and capability; and 3) automate incident response.
 2. **Identity, Credential, and Access Management (ICAM):** This program ensures that users are identified properly and granted access only to information resources necessary to perform their job. ICAM efforts will implement a DOJ certificate lifecycle management system, resulting in a more secure enterprise by reducing the opportunity for identity fraud and increasing the safety of both government information and personal privacy.
 3. **Information System Continuous Monitoring (ISCM):** ISCM will improve the visibility into the security health of the organization through two major initiatives: 1) supporting, monitoring, and reporting on system and network security hygiene, including mission essential systems and user activity; and 2) providing subject matter expertise to support DOJ components and organizations in their efforts to properly secure systems.
 4. **DOJ's Insider Threat Prevention and Detection Program:** The ITPDP will implement the tools to perform user activity monitoring and establish the Department's insider threat hub. As a result, the insider threat risks on sensitive and classified information systems will be reduced and the DOJ will have a capability to prevent, detect, and respond to insider threats
- **IT Transformation** is a long-term, multi-year commitment to transform the Department's IT enterprise infrastructure centralizing commodity IT services. Work on this program began in FY 2012 and continues. The program currently consists of the following projects:
 1. **Enterprise E-mail Consolidation:** Departmental email consolidation is a long-term, multi-year effort that began in FY 2012 with the consolidation of small email systems and the planning activities for a Department-wide email system. The initial phase of this project reduced the number of departmental, non-

classified email systems from 22 to 9 at the end of FY 2014. In addition, new and enhanced collaboration functionality was introduced to participating components during FY 2015. The long-term goal is to reduce the number of email systems and provide enhanced enterprise messaging tools for all Department users. In FY 2016, DOJ plans to consolidate additional components under an enterprise email solution Cloud Service Provider (CSP) model in order to further gain efficiencies and strategic value. The design, implementation, and migration to the cloud are projected to occur between FY 2017 - 2019.

2. **Data Center Consolidation:** The goals of this project are to optimize and standardize IT infrastructure to improve operational efficiencies and agility; reduce the energy and real property footprint of DOJ's data center facilities; optimize the use of IT staff and labor resources supporting DOJ missions; and enhance DOJ's IT security posture. These goals will be achieved by reducing the number of DOJ data centers to three core data centers; leveraging cloud and commodity IT services; and migrating data processing to these locations and services with appropriate service agreements. DOJ has identified two FBI owned data centers and one DEA leased data center as facilities that will serve as DOJ Core Enterprise Facilities (CEF). The Department has closed 72 data centers since 2010, including the Justice Data Center in Dallas which was shuttered in FY 2015. Planning activities to close 9 additional data centers by the end of FY 2017 and 9 more in FY 2018 are underway.
3. **Mobility Services:** The long term goal for mobile services is to enable employees to work outside of the office just as effectively as they would at their desk. With the dynamic nature of smartphone capabilities, the DOJ Mobile Services team was established in FY 2013 and collaborates across components on mobility initiatives to implement enterprise shared services. Key accomplishments to date include detailed security guidance for the major mobility platforms as well as the implementation of a shared mobile device management (MDM) platform which manages the mobile devices for 15 components. DOJ also initiated a mobile app program by converting Justice.gov to a mobile-friendly platform and released the first custom mobile app to the public to support the Office of Attorney Recruitment and Management.

The Department will continue to expand mobility service with productivity tools and apps to provide users an enhanced experience with increasingly secure remote access to DOJ data. The DOJ App Catalog will be expanded to provide additional access to commercially available applications as well as new internally-developed apps. Other enhancements will focus on collaboration tools for remote meetings, enterprise file management for improved information sharing, Enterprise Wi-Fi, derived PIV integration to replace the need for multiple passwords, as well as emerging technologies.

4. **Enterprise Desktop:** The enterprise desktop area is converging with mobile devices, and the leading desktop vendors are rapidly introducing new laptop and

tablet solutions which can significantly enhance the user experience while at the office or working remotely. The key goals of this project are to provide a common user experience regardless of the device one is using, and also to expand the set of available device options in order to better fit the need of the user. Several components are planning JCON workstation refreshes for FY 2018 so the Enterprise Desktop team will continue to work closely with components to re-use these common solutions and standards across groups.

- **The Digital Transformation** team is responsible for driving the efficiency and effectiveness of the agency's highest-impact digital services. It will coordinate with U.S. Digital Service (USDS), which was launched in August 2014. The USDS' main goal is to institutionalize digital competencies and apply it to government work to avoid incidents, such as the challenges seen during the role-out of Healthcare.gov, by setting standards, introducing a culture of technological accountability, and assessing common technology patterns that can be replicated across agencies.

The Department continues to engage the U.S. Digital Service, most recently facilitating the review of the FBI's National Instant Criminal Background Check System (NICS) and a discussion toward a decision point on the program's way forward. The Department has embraced the concept of the U.S. Digital Service (USDS) and continues to evaluate programs through its governance role assessing what, if any, information technology initiatives or programs may be served best by introducing a Digital Service Team. The current IT environment across the Department is focusing principally on securing deployed assets buffering them from cyber-attacks, and addressing high-risk legacy systems and networks, leaving little funding for true IT initiative development and modernization on which Digital Service teams might take an active participatory role.

The Department coordinated with USDS leveraging the associated Schedule A hiring authority bringing in to the Department's OCIO, private sector expertise that is helping to progress the IT transformation effort underway within OCIO. These Information Technology Distinguished Fellows (IT Fellows) are being actively recruited to leverage their specific skill sets needed to truly transform the OCIO to a service broker model. In FY 2017, OCIO allocated vacancies and associated expenses to bring aboard IT Fellows, all of whom report directly to the Department's Chief Technology Officer. These are term positions that will come in and address critical risks and issues, much as in the same way as proffered under the USDS, but on IT initiatives not necessarily requiring rescue. In FY 2018, the OCIO will continue to devote position vacancies and resources to address critical risks and issues. The Department will continue closely coordinating with OMB and USDS, and through the IT governance structure, any IT programs requiring specific attention will be promptly assessed and USDS will be engaged thereafter, should the need arise.

Cyber-Space- The DOJ will coordinate with Networking and Information Technology Research (NITRD) and Office of Science and Technology (OSTP) to drive research guided by the White House's "Trustworthy Cyberspace: Strategic Plan for the Federal Cybersecurity Research and Development Program" With the perspective of the

Department's unique mission requirements, DOJ will perform research to understand the root cause of existing cybersecurity deficiencies; minimize future cybersecurity problems by developing the science of security; coordinate, collaborate, and integrate this research across the Government; and expedite the transition of cybersecurity research to practice.

Collaboration and Innovations with partnering agencies and private sector- DOJ, with the FBI, will continue to work with industry, and partnering agencies, to learn and share strategies to provide insights into our critical mission needs. The Department of Justice will support the National Strategic Computing Initiative to maximize the benefits of High Performance Computing for economic competitiveness and scientific discovery. As investments in High Performance Computing has contributed substantially to national economic prosperity and rapidly accelerated scientific discovery, DOJ is committed to creating and deploying technology at the leading edge which advances our mission and spurs innovation.

Big Data- As data is growing exponentially, High Performance Computing is the primary tools to spur insight, and perform big data analytics. Computing, storage, and high-speed networking coupled with analytics software will assist data scientists and mission owners throughout the department. These capabilities will advance many initiatives, including the Department's Automated Litigation Services, expeditiously analyzing images, and providing real-time intelligence for our law-enforcement – helping to ensure the safety of the American people.

B. Summary of Requirements
Summary of Requirements
Justice Information Sharing Technology
Salaries and Expenses
 (Dollars in Thousands)

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted 1/	45	33	31,000
Total 2016 Enacted	45	33	31,000
2017 Continuing Resolution	45	45	31,000
2017 Rescission - 0.1901%	0	0	-59
Total 2017 Continuing Resolution	45	45	30,941
Base Adjustments			
Pay and Benefits	-11	-11	-265
Domestic Rent and Facilities	0	0	265
Total Base Adjustments	-11	-11	0
Total Technical and Base Adjustments	-11	-11	0
2018 Current Services	34	34	30,941
2018 Total Request	34	34	30,941
2017 - 2018 Total Change	-11	-11	0

^{1/} FY 2016 FTE is actual

B. Summary of Requirements
Summary of Requirements
 Justice Information Sharing Technology
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Technical and Base Adjustments		FY 2018 Current Services	
	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount
Justice Information Sharing Technology	45	31,000	45	30,941	-11	0	34	30,941
Total Direct	45	31,000	45	30,941	-11	0	34	30,941
Balance Rescission								
Total Direct with Rescission								
Reimbursable FTE	0	31,000		30,941		0		30,941
Total Direct and Reimb. FTE	45		45		-11		34	
Other FTE:								
LEAP	0		0		0		0	
Overtime	0		0		0		0	
Grand Total, FTE	45		45		-11		34	
Program Activity	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount
Justice Information Sharing Technology	0	0	0	0	34	30,941	34	30,941
Total Direct	0	0	0	0	34	30,941	34	30,941
Balance Rescission								
Total Direct with Rescission								
Reimbursable FTE	0	0		0		30,941		30,941
Total Direct and Reimb. FTE	0	0	0	0	34	30,941	34	30,941
Other FTE:								
LEAP	0		0		0		0	
Overtime	0		0		0		0	
Grand Total, FTE	0		0		34	30,941	34	30,941

E. Just: ons for Technical and Base Adjustments

Justifications for Technical and Base Adjustments
 Justice Information Sharing Technology
 Salaries and Expenses
 (Dollars in Thousands)

	Positions	Estimate	Amount
		FTE	
Pay and Benefits			
1 2018 Pay Raise - 1.9% This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount request, \$112,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$85,120 for pay and \$26,880 for benefits.)	0	0	112
2 Annualization of 2017 Pay Raise - 2.89% This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.89% included in the 2017 Appropriation. The amount requested \$60,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$ 45,600 for pay and \$14,400 for benefits).	0	0	60
3 Attrition and/or Administrative Savings To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	-3	-3	-479
4 Health Insurance Effective January 2018, the component's contribution to Federal employees' health insurance increases by 7.5 percent. Applied against the 2017 estimate of \$438,000 the additional amount required is \$33,000.	0	0	33
5 Position Rightsizing Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	-8	-8	0
6 Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$9,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	9
Domestic Rent and Facilities			
1 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 \$265,000 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.	0	0	265
Subtotal, Pay and Benefits	-11	-11	-265
Subtotal, Domestic Rent and Facilities	0	0	265
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-11	-11	0

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability
 Justice Information Sharing Technology
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted		Reprogramming/Transfers		Carryover Amount	Recoveries/Refunds Amount	FY 2016 Availability	
	Position \$	Actual FTE	Position \$	Actual FTE			Position \$	Actual FTE
Justice Information Sharing Technology	45	45	0	0	14,512	2,756	45	48,268
Total Direct	45	45	0	0	14,512	2,756	45	48,268
Balance Rescission					0	0		0
Total Direct with Rescission					0	0		0
Reimbursable FTE					14,512	2,756		48,268
Total Direct and Reimb. FTE								
Other FTE:								
LEAP FTE								
Overtime								
Grand Total FTE		45		0			45	

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

G. Cross. 1 of 2017 Availability

Crosswalk of 2017 Availability
 Justice Information Sharing Technology
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution		Reprogramming/Transfers		Carryover Amount	Recoveries/Refunds Amount	FY 2017 Availability	
	Positions	Est. FTE	Positions	Est. FTE			Positions	Est. FTE
Justice Information Sharing Technology	45	45	0	0	12,408	0	45	43,349
Total Direct	45	45	0	0	12,408	0	45	43,349
Balance Rescission		0				0		0
Total Direct with Rescission		0				0		0
Reimbursable FTE		0				0		0
Total Direct and Reimb. FTE		45						45
Other FTE:								
LEAP FTE		0						0
Overtime		0						0
Grand Total FTE		45						45

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources
Justice Information Sharing Technology
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Bureau of Alcohol, Tobacco, Firearms and Explosives	0	0	288	0	0	0	0	0	0	0	0	0
Community Oriented Policing Services	0	0	185	0	0	1,284	0	0	0	0	0	-1,284
Drug Enforcement Administration	0	0	288	0	0	0	0	0	0	0	0	0
Federal Bureau of Investigation	0	0	3,289	0	0	2,900	0	0	2,852	0	0	-48
General Administration	0	0	43	0	0	0	0	0	0	0	0	0
Department of Justice (JMD/SEPS)	0	0	5,718	0	0	342	0	0	0	0	0	-342
Working Capital Fund - JMD Budget Staff	0	0	27,828	0	0	13,024	0	0	0	0	0	-13,024
Office of Justice Programs/SMART/Indian Affairs	0	0	1,201	0	0	798	0	0	0	0	0	-798
Office of Personnel Management	0	0	87	0	0	72	0	0	100	0	0	28
Office on Violence Against Women	0	0	251	0	0	0	0	0	0	0	0	0
U.S. Attorneys	0	0	281	0	0	12	0	0	25	0	0	13
U.S. Parole Commission	0	0	0	0	0	400	0	0	0	0	0	-400
Debt Collection Management	0	0	4,296	0	0	6,594	0	0	223	0	0	-6,309
Office of Justice Programs/OOAG	0	0	560	0	0	0	0	0	0	0	0	0
Budgetary Resources	0	0	44,315	0	0	25,357	0	0	3,202	0	0	-22,165
Obligations by Program Activity	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Justice Information Sharing Technology	0	0	44,315	0	0	25,357	0	0	3,202	0	0	-22,165
Budgetary Resources	0	0	44,315	0	0	25,357	0	0	3,202	0	0	-22,165

I. Detail of Permanent Positions by Category
 Detail of Permanent Positions by Category
 Justice Information Sharing Technology
 Salaries and Expenses
 (Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Outlets	Total Direct Pos.	Total Reimb. Pos.
Security Specialists (080)	1	0	1	0	-1	0	0	0	0
Clerical and Office Services (0300-0399)	10	0	10	0	-2	0	0	8	0
Accounting and Budget (500-599)	1	0	1	0	-1	0	0	0	0
Information Technology Maint. (2210-2299)	33	0	33	0	-7	0	0	26	0
Total	45	0	45	0	-11	0	0	34	0
Headquarters Washington D.C.	45	0	45	0	-11	0	0	34	0
US Fields	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	45	0	45	0	-11	0	0	34	0

Summary of Requirements by Object Class
Justice Information Sharing Technology
Salaries and Expenses
(Dollars in Thousands)

K. Summary of Requirements by Object Class

Object Class	FY 2016 Actual		FY 2017 Continuing Resolution		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	33	4,725	45	6,315	34	4,805	-11	-1,510
11.3 - Other than full-time permanent	0	0	0	0	0	0	0	0
11.5 - Other personnel compensation	0	0	0	86	0	0	0	-86
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	0	0	0	0	0	0	0
Total	33	4,725	45	6,401	34	4,805	-11	-1,596
Other Object Classes								
12.1 - Civilian personnel benefits		1,411		2,037		1,473		-664
21.0 - Travel and transportation of persons		11		16		16		0
22.0 - Transportation of things		4		25		25		0
23.1 - Rental payments to GSA		1,341		1,025		1,290		265
23.2 - Rental payments to others		95		19		19		0
23.3 - Communications, utilities, and miscellaneous charges		827		689		689		0
24.0 - Printing and reproduction		3		0		0		0
25.1 - Advisory and assistance services		15,299		14,063		8,765		-6,278
25.2 - Other services from non-federal sources		6,830		6,387		3,312		-3,075
25.3 - Other goods and services from federal sources		5,190		10,845		8,485		-2,160
25.7 - Operation and maintenance of equipment		0		973		973		0
26.0 - Supplies and materials		23		159		159		0
31.0 - Equipment		101		910		910		0
Total Obligations		35,860		43,349		30,941		-12,408
Net of:								
Unobligated Balance, Start-of-Year		-14,512		-12,408		0		12,408
Transfers/Reprogramming		0		0		0		0
Recoveries/Refunds		-2,756		0		0		0
Balance Rescission		0		0		0		0
Unobligated End-of-Year, Available		12,408		0		0		0
Unobligated End-of-Year, Expiring		0		0		0		0
Total Direct Requirements		31,000		30,941		30,941		0
Reimbursable FTE	0	0	0	0	0	0	0	0
Full-Time Permanent								

**United States Department of Justice
Administrative Review and Appeals**



**FY 2018 Performance Budget
Congressional Budget Submission**

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I. Overview

A. Executive Office for Immigration Review

Introduction

To support the mission of the agency, EOIR requests a total of \$500.4 million, 2,588 permanent positions, and 1,892 full-time equivalents (FTE). The request includes a \$4 million transfer from the Department of Homeland Security's (DHS) Immigration Examination Fee Account and a program increase for 75 new Immigration Judge (IJ) Teams.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

The primary mission of the Executive Office for Immigration Review (EOIR) is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings. EOIR's role in the Nation's immigration system is critical, as statute and regulation require, in many situations, immigration judge review before removals can occur. To address the growing case backlog, which now exceeds a half a million cases, EOIR's adjudicatory capacity must increase in order to stop the increase due to new filings and to substantially decrease or eliminate the existing backlog.

Budget Summary:

EOIR assesses caseload volumes, trends, and geographic concentration of cases to appropriately adjust resource allocations to meet mission requirements. EOIR is currently working to further improve its analytic capacity so that these assessments can better inform the effective and efficient allocation of judicial resources. The FY 2018 budget request provides the necessary and appropriate resources to continue the execution of EOIR's mission into the future.

Program Overview

1. Organization of EOIR

EOIR administers the nation's immigration court system. EOIR primarily decides whether foreign-born individuals charged by DHS with violating immigration law should be a) ordered removed from the United States or b) granted relief or protection from removal and allowed to remain. To make these critical determinations, EOIR operates 58 immigration courts throughout the country and has a centralized Board of Immigration Appeals located at EOIR Headquarters.

EOIR also adjudicates cases involving illegal hiring and employment eligibility verification violations, document fraud, and employment discrimination. EOIR Headquarters, located in Falls Church, VA, provides centralized operational, policy, and administrative support to EOIR immigration proceedings and programs conducted throughout the United States.

EOIR's 2018 Budget Strategy

EOIR's immigration courts represent the Department's front-line presence with respect to the application of immigration law. EOIR does not initiate any immigration cases. Rather, cases start when DHS files charging documents with the immigration courts seeking the removal of undocumented immigrants from the United States. It remains critically important that EOIR has sufficient adjudicative resources to keep pace with DHS's enforcement efforts.

The largest challenge facing the immigration courts is the growing pending caseload. As of March 30, 2017, there were more than 560,000 cases pending in immigration courts around the country, by far the largest pending caseload before the agency. The agency's FY 2018 strategy is a sustained focus on increasing adjudicative capacity in order to meet EOIR's mission to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws.

In order to meet the agency's mission, EOIR plans to take steps to use existing resources to improve agency efficiencies while continuing to increase its adjudicatory capacity. The agency expects to continue to take steps to make docket adjustments, prioritizing certain case types, and refocusing EOIR's immigration court resources so as to best meet the need in the immigration courts. For example, EOIR maintains a focus the cases of those individuals that are detained by DHS pending their removal proceedings. EOIR will continue discussions with federal partners to gauge the impact of enforcement activities and other potential factors that affect the immigration courts and to adjust dockets and resource allocations accordingly.

Although EOIR makes every effort to address the caseload using current resources, given the size of the pending caseload, EOIR requests additional funding for adjudication support. EOIR's focus will remain on hiring all authorized positions to support its adjudicatory mission, including the reduction of the pending caseload before the immigration courts. While EOIR is also assessing where the agency can make case processing improvements, the agency recognizes that an increase in personnel and other resources is crucial to decreasing the pending caseload in a timely manner. EOIR anticipates that an increase in resources, combined with continued efforts to use existing resources efficiently and to plan effectively will allow EOIR to better manage its caseload.

To implement EOIR's strategy, this request includes a program increase of \$75 million for 75 new Immigration Judge Teams. Each team consists of one IJ with five support staff. This would increase EOIR's IJ corps to 449 and provide 225 additional FTE for mission support.

Challenges

1. *Internal Challenges*

EOIR continues to face challenges associated with reaching its FY 2016 authorized adjudicative capacity of 374 IJs. The Department-wide hiring freeze between January 2011 and February 2014, as well as normal attrition, negatively impacted EOIR, resulting in a reduction of the IJ corps from a high of 272 in December 2010 to 235 in April 2015. The combined decrease in IJs and increase in the pending caseload put more of a strain on immigration courts across the country. Without staffing increases, this effect will only grow. An individual immigration judge has a finite amount of time on his or her calendar. As pending caseload, and therefore docket sizes, increase, the time between hearings must also increase. Thus without additional staffing, cases will take longer to be heard before an immigration judge, further exacerbating the pending caseload.

At this time, over one-third of the IJ corps is eligible to retire. EOIR has hired 107 IJs since FY 2015, however there has also been attrition during this time, providing a net increase of 71 IJs between the end of FY 2015 and April 30, 2017. While EOIR recognizes these staffing improvements, hiring must continue unabated to backfill existing vacancies and to fill the remaining allocated immigration judge positions.

EOIR is intently focused on hiring. However, the immigration judge hiring process is complex and multifaceted. As IJ appointees carry the Attorney General's delegated authority to exercise his discretion independently in the cases that come before them, EOIR and the Department must exercise the due diligence required to identify and appoint highly capable immigration judges. Thus, immigration judge candidates are vetted through a careful and thorough process, which includes several Departmental components and background check prior to the Attorney General appointment. While EOIR has taken and continues to take steps to reduce the amount of time an application is pending before the agency, the time it takes from announcement of an immigration judge vacancy to entrance on duty is often more than a year.

EOIR also has significant space and facilities projects that pose challenges. EOIR has allotted all existing space to currently-allocated positions and is in the process of acquiring new space for the positions received in FY 2016. EOIR will now need to acquire new space each time increases in IJs or other staff are authorized. Therefore, EOIR's request includes costs of acquiring new space. The space acquisition or construction process is lengthy, requiring coordination with external entities and is likely to consistently pose challenges for EOIR.

2. *External Challenges*

Growth in the caseload represents an additional challenge. Each new case in immigration court begins upon DHS's filing of a charging document following an encounter with an illegal alien. It remains critically important to balance EOIR's adjudicative capacity with DHS's enforcement efforts. EOIR continues to seek process improvements and to increase the staffing level to work towards improving adjudicative capacity, striving to reach a balance where incoming cases are appropriately addressed while the pending caseload is also decreased.

The number of cases pending adjudication rose from over 298,000 at the end of FY 2011 to over 560,000 at the end of March 2017, an increase of over 260,000 cases. This is an increase of 87 percent in cases pending adjudication in six and a half years. The pending caseload remains the key challenge for EOIR as courts continue to receive hundreds of thousands of cases for

adjudication each year. While the number of cases is rising, so is the length of proceedings. A significant factor in this increase in pending caseload is the uptick in the number of cases with applications for relief or protection. Cases with applications for relief or protection can be more complex, requiring time to gather evidence and witnesses, resulting in longer processing times. Additionally, the BIA's sustained level of approximately 30,000 appeals per year is an extremely large volume for any appellate body. With the sizeable increase in the number of immigration judges being hired, the BIA will likely face a volume increase in the number of appeals and filings before it, which means a proportional increase in its challenging caseload.

B. Office of the Pardon Attorney

For FY 2018, the Office of the Pardon Attorney (OPA) requests a total of \$5 million, 19 positions, and 19 FTE, including 11 attorneys, to achieve its mission of advising and assisting the President in the exercise of the executive clemency power conferred on him by Article II, Section 2 of the Constitution. This request supports current services needs.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>

Introduction

For over 100 years, the President has requested and received the assistance of the Attorney General and his/her designees in the Department of Justice in exercising clemency power with regard to persons who have committed offenses against the United States. Within the Department, OPA is the component assigned to carry out this function under the direction of the Deputy Attorney General. The long-standing role of Department officials advising the President on clemency matters is reflected in various public record documents dating to the late 19th century. Moreover, since at least 1898, presidents have adopted advisory rules to describe their programs for processing clemency applications and their directions to the Attorney General in carrying out the Department's clemency advisory functions. The rules, which govern OPA's work but do not bind the President, are approved by the President and published by the Attorney General. The current version of the administrative rules was promulgated in October 1993 and amended in August and September 2000. They are published in 28 C.F.R. §§ 1.1 to 1.11 and available on OPA's web site at <http://www.justice.gov/pardon/clemency.htm>.

The two principal forms of clemency sought by applicants are pardon after completion of sentence and commutation (reduction) of a sentence being served. The traditional standards by which clemency applications are evaluated in connection with the preparation of the Department's letters of advice to the President have been utilized for decades and are publicly available on OPA's web site at <http://www.justice.gov/pardon/petitions.htm>.

Program Description

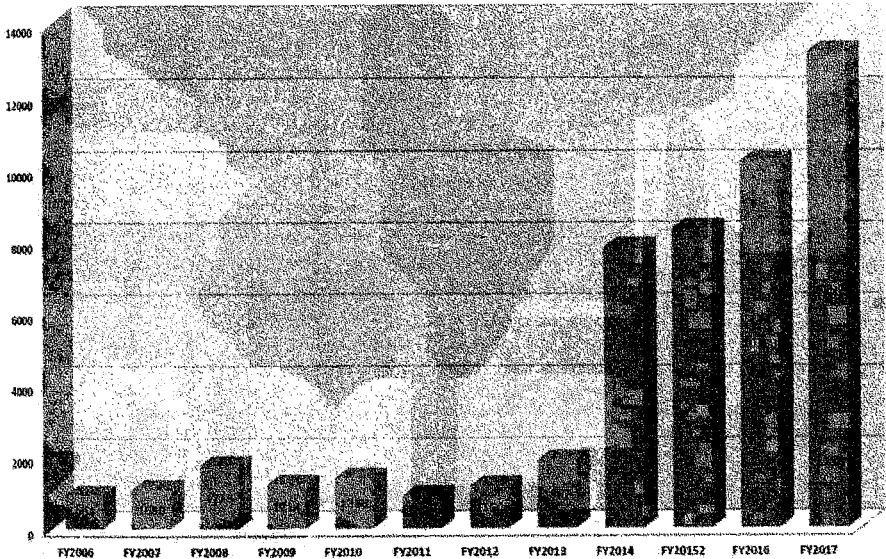
The primary function of OPA is to receive, evaluate, and investigate clemency applications and prepare the recommendation of the Department of Justice as to the appropriate disposition of each application for the signature of the Deputy Attorney General. In addition, OPA responds to inquiries concerning executive clemency petitions and the clemency process from applicants,

their legal representatives, members of the public, Members of Congress, and various federal, state, and local officials and agencies; prepares all necessary documents to effect the President's decision to grant clemency; and notifies each clemency applicant of the President's decision concerning his or her clemency request. When asked to do so, OPA also provides general advice to the White House concerning executive clemency procedures and the historical background of clemency matters.

Challenges

OPA's workload has increased significantly since FY 2007, which was the last fiscal year in which new cases received numbered fewer than approximately 2,000. In the eight fiscal years between FY 2008 and FY 2015, OPA received more than 24,797 new petitions for processing, of which 21,563 were petitions for commutation of sentence. The case filings in FY 2014, consisting of 273 pardon applications and 6,561 commutation applications, constituted a historic 6,834 new filings in one fiscal year. Throughout this period, OPA's authorized staffing level was 15 positions - a level that was established for the office in the mid-1990s, when OPA received approximately 600 new cases per fiscal year. The current services level requested in the FY 2018 budget will allow OPA to continue to address the significant backlog in case processing that resulted from the greatly-increased workload in previous years. ¹

Clemency Petitions Pending In OPA at the end of a Fiscal Year or Current Fiscal Year

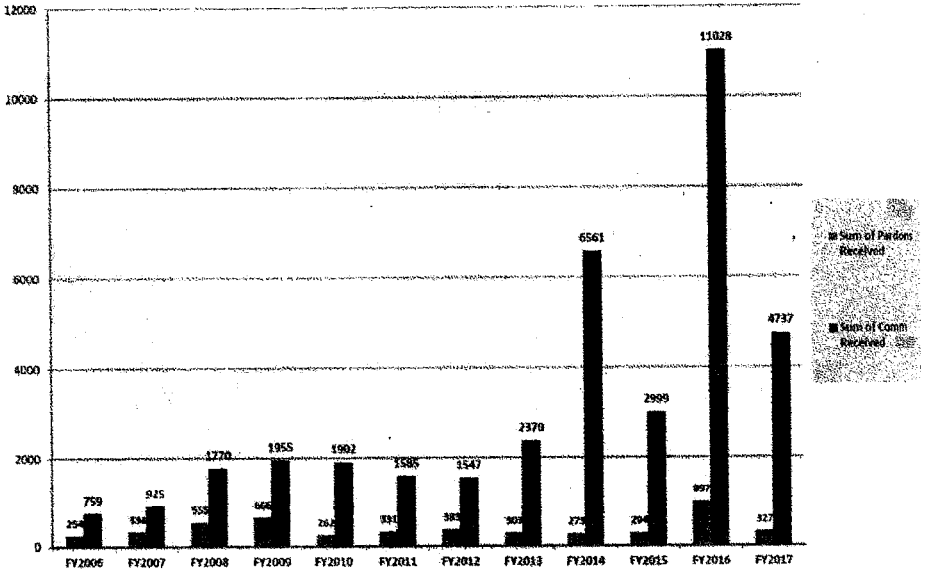


The announcement of the Department's Clemency Initiative in FY 2014 resulted in an exponential increase in new clemency case filings for OPA. As of the end of January 2014,

¹ The chart entitled **Clemency Petitions Pending in OPA at the end of a Fiscal year or Current Fiscal Year** shows the backlog of cases OPA had on the last day of each fiscal year for the past eleven years. This data is unavailable prior to FY 2006.

when the Deputy Attorney General first outlined plans for the Initiative in a speech to the New York Bar Association, OPA had received only 676 clemency applications for the fiscal year, including 608 commutation petitions. By the end of July 2014, that number had multiplied nearly 10 times to 6,105 clemency petitions, of which 5,916 were commutation requests. Given that trend, OPA expected that its new filings would meet or exceed 7,000 petitions by the end of that fiscal year, driven principally by the submission of requests for commutation of sentence. At the end of FY 2014, OPA's estimation was only short by 166 petitions. OPA is required to process, analyze, and make recommendations on all applications it receives, regardless of whether they are from persons who are eligible to seek executive clemency from the President, and thus has no control over the size of its caseload. The impact of this massive influx of new cases will continue to be felt by the office for many years to come, so maintaining the current roster of staff and resources requested for FY 2018 are essential to enable OPA to continue to address the significantly increased workload.²

Clemency Petitions Received from FY2006 to FY2017



² The chart entitled **Clemency Petitions Received from FY 2006 to FY 2017** shows the successive increase of commutation petitions received over the past eleven years, including the huge influx after the Department's announcement of the 2014 Clemency Initiative.

II. Summary of Program Changes

Executive Office for Immigration Review

Item Name	Description				Page
	Executive Office for Immigration Review	Pos.	FTE	Dollars (\$000)	
75 Immigration Judge Teams	Increase the number of immigration judges and mission-support staff to reduce the pending caseload. Provide funds for building space for new staff.	450	225	74,950	29
Total		450	225	\$74,950	

Office of the Pardon Attorney

No program changes.

III. Appropriations Language and Analysis of Appropriations Language

The FY 2018 budget request includes proposed changes in the appropriations language set forth and explained below. Language proposed for deletion is bracketed. New language is italicized and underlined.

Appropriations Language:

Administrative Review and Appeals (Including Transfer of Funds)

For expenses necessary for the administration of *executive* [pardon and] clemency petitions and immigration-related activities, [\$437,444,000] *\$505,367,000*, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account. *Provided*, that, of the amount available for the Executive Office for Immigration Review, not to exceed [\$15,000,000] *\$35,000,000* shall remain available until expended.

Analysis of Appropriations Language

OPA requests inclusion of the word *executive* and exclusion of the word *pardon* because Presidential "pardons" are a form of executive clemency; therefore, it is more accurate to describe the work of the Office of the Pardon Attorney as "the administration of executive clemency petitions."

IV. Program Activity Justification

A. Executive Office for Immigration Review

<i>Executive Office for Immigration Review</i>	Direct Pos.	Estimate FTE	Amount (\$\$\$)
2016 Enacted	2,138	1,392	422,295
2017 Continuing Resolution	2,138	1,667	421,492
Adjustments to Base and Technical Adjustments	0	0	3,965
2018 Current Services	2,138	1,667	425,457
2018 Program Increases	450	225	74,950
2018 Request	2,588	1,892	500,407
Total Change 2017-2018	450	225	78,915
<i>Executive Office for Immigration Review- Information Technology Breakout (of Decision Unit Total)</i>	Direct Pos.	Estimate FTE	Amount (\$\$\$)
2016 Enacted	39	39	56,768
2017 Continuing Resolution	39	39	46,681
Adjustments to Base and Technical Adjustments			0
2018 Current Services	39	39	47,765
2018 Program Increases			10,344
2018 Request	39	39	58,109
Total Change 2017-2018	0	0	11,428

1. Program Description

Under the direction of the EOIR Director and Deputy Director, the following components conduct adjudicative proceedings:

a. Adjudicative Components

Board of Immigration Appeals (BIA) –The BIA hears appeals of decisions of immigration judges (IJs) and certain decisions of officers of DHS in a wide variety of proceedings in which the Government of the United States is one party and the other party is an alien, a citizen, permanent resident, or a transportation carrier. The BIA exercises independent judgment in hearing appeals for the Attorney General and provides a nationally uniform application of the immigration laws. The majority of cases before the BIA involve appeals from orders of EOIR’s immigration judges entered in immigration proceedings.

Appeals of decisions of DHS officers, reviewed by the BIA, principally involve appeals from familial visa petition denials and decisions involving administrative fines on transportation carriers. The BIA also issues decisions relating to the EOIR Attorney Discipline Program.

BIA decisions are binding on immigration judges and all DHS officers unless modified or overruled by the Attorney General or a federal court. Certain BIA decisions that the BIA designates as precedent decisions apply to immigration cases nationwide. Through precedent decisions, the BIA provides guidance to immigration judges, DHS, and the general public on the proper interpretation and administration of the immigration laws and regulations. The BIA is the highest administrative tribunal for interpreting and applying U.S. immigration law.

The BIA plays the major role in interpreting the immigration laws of the country in an area of law the courts have characterized as uniquely complex. A challenge for the BIA is to maintain a high-volume administrative caseload while addressing the differing issues associated with the law of eleven different circuits and the Supreme Court.

- **Office of the Chief Immigration Judge (OCIJ)** – The OCIJ oversees the administration of 58 immigration courts located throughout the United States and exercises administrative supervision over EOIR employees, including immigration judges, assigned to those courts. The OCIJ develops policies and procedures for immigration proceedings throughout the immigration court system. The IJs in OCIJ preside over administrative court proceedings, called removal proceedings, to determine whether foreign-born individuals, who are charged by DHS with violating immigration law, should be ordered removed from the United States or should be granted relief or protection from removal and be permitted to remain in this country. Generally, IJs determine removability and adjudicate applications for relief from removal such as cancellation of removal, adjustment of status, asylum, or waivers of removability. Custody redetermination hearings are held when an alien in DHS custody seeks a reduction in the bond amount set by DHS, or a release on his or her own recognizance.

With respect to criminal alien adjudications, the Institutional Hearing Program (IHP) provides the framework for hearings to determine the immigration status of aliens convicted of offenses who are incarcerated in federal, state and local prisons across the United States. EOIR's IHP is designed to expedite the removal of criminal aliens and involves close coordination with DHS, the Bureau of Prisons, and state and local corrections authorities.

The Chief Immigration Judge provides overall program direction, articulates policy, and establishes priorities for the immigration judges located in courts throughout the United States. The Chief Immigration Judge carries out these responsibilities with the assistance of Deputy and Assistant Chief Immigration Judges; offices such as the Chief Clerk's Office and Language Services Unit assist with coordinating management and operation of the immigration courts.

- **Office of the Chief Administrative Hearing Officer (OCAHO)** – The OCAHO adjudicates cases involving illegal hiring and employment eligibility verification violations ("employer sanctions"), document fraud, and employment discrimination under the Immigration and Nationality Act (INA). The OCAHO is headed by a Chief Administrative Hearing Officer (CAHO) who provides overall program direction and

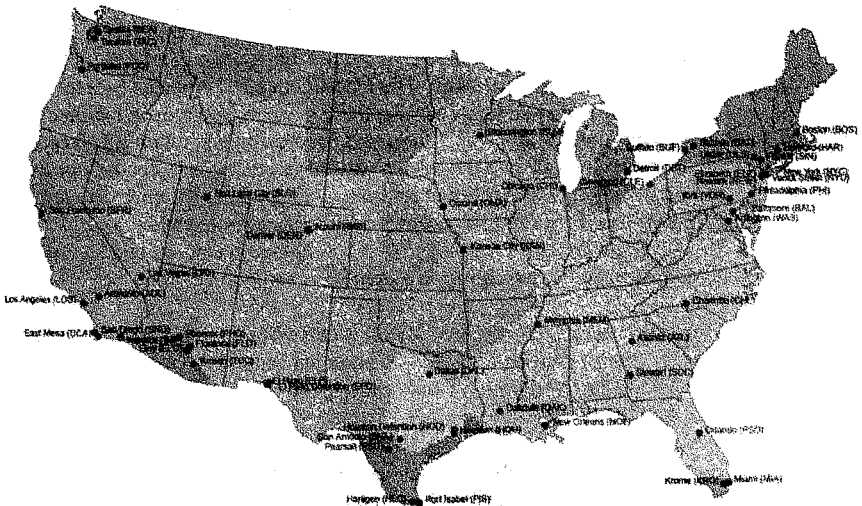
¹ Note, the Department of Homeland Security refers to this same program as the "Institutional Hearing and Removal Program."

management, articulates and develops policies and procedures, establishes priorities, assigns cases, and administers the hearing process presided over by Administrative Law Judges (ALJs). The CAHO also reviews decisions and orders issued by OCAHO ALJs in employer sanctions and document fraud cases, and may modify, vacate, or remand those decisions and orders.

OCAHO employs ALJs appointed pursuant to 5 U.S.C. § 3105 to adjudicate cases arising under Sections 274A, 274B and 274C of the INA. Section 274A provides for sanctions (civil penalties and injunctive relief) against employers or entities who: (1) knowingly hire, recruit, or refer for a fee, or continue to employ, unauthorized aliens; (2) fail to comply with employment eligibility verification requirements; or (3) require the execution of an indemnity bond by employees to protect the employer or entity from potential liability for unlawful employment practices. Section 274B prohibits employment discrimination based on national origin or citizenship status and provides for civil penalties and various equitable remedies. Section 274C provides civil penalties for immigration-related document fraud. Adjudicative proceedings are initiated by complaints filed with OCAHO by DHS (in Section 274A and Section 274C cases), or the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) in the Civil Rights Division, and/or aggrieved private parties and entities (in section 274B cases).

Parties may seek administrative reviews of ALJ decisions in INA Sections 274A and 274C cases, or the CAHO may review such decisions on his or her own initiative, and may affirm, modify, vacate, and/or remand such decisions. Unless the case is certified to the Attorney General, the CAHO's decision on review constitutes the final agency action with respect to these cases. Appeals from final OCAHO decisions are brought before the U.S. circuit courts of appeal.

Map of the Immigration Courts



b. Non-Adjudicative Components

A number of other Headquarters offices also provide EOIR-wide mission support:

Office of the Director – In addition to the Director, Deputy Director, and senior advisors, the Office of the Director includes the Office of Communications and Legislative Affairs, the Equal Employment Opportunity Office, the Office of Legal Access Programs (OLAP), and the Office of Planning, Analysis, and Statistics (OPAS). These offices provide mission support to the Office of the Director by promoting strong communication, ensuring equality and diversity in the work place, providing oversight of certain pilot programs and initiatives, and providing strategic planning and data analysis.

Office of the General Counsel (OGC) provides legal advice on a wide variety of matters involving EOIR employees in the performance of their official duties. OGC staff handle employee labor relations issues, review and prosecute complaints involving attorney misconduct, and coordinate and respond to requests for assistance involving immigration fraud. OGC also coordinates development of agency regulations and forms; provides litigation support to U.S. Attorneys, the Civil Division's Office of Immigration Litigation, and the Solicitor General's Office; coordinates inter-agency activities; and responds to all Freedom of Information Act and Privacy Act requests.

- Office of Administration (OA) provides administrative and managerial support in several areas concerning financial management or special emphasis and compliance programs. Specifically, OA supports the following areas: appropriations, budget and financial management, contracts and procurement, human resources, security, space and facilities management, and logistics.
- Office of Information Technology (OIT) is responsible for the design, development, operations, and maintenance of the complete range of information technology systems supporting EOIR's day-to-day operations. OIT manages programs such as EOIR's current multi-year effort to modernize the case management and related electronic systems that support EOIR's mission. The EOIR Court and Appeals Systems (ECAS) program has been established to modernize these systems and reduce maintenance costs through phased elimination of paper filings and processing and retaining all records and documents in electronic form. OIT has also improved EOIR's IT security posture by leveraging staff resources and refining internal change management processes, positioning EOIR as one of the Department's cybersecurity leaders.

2. Adjudication of Immigration Cases

Immigration Court Proceedings Overview: DHS initiates virtually all cases before the immigration courts by charging an individual with potential grounds of removability and issuing a Notice to Appear (NTA) in Immigration Court under §240 of the Immigration and Nationality Act (INA) (8 U.S.C. 1229a).

Immigration judges (IJs) are responsible for conducting formal immigration court proceedings. In removal proceedings, IJs determine whether an individual from a foreign country (an alien)

should be allowed to enter or remain in the United States or should be removed. IJs also have jurisdiction to consider various forms of relief from removal. If the IJ finds the individual to be removable as charged, the individual can then request several different forms of relief from removal such as asylum and withholding of removal (including protection under the Convention Against Torture), cancellation of removal, voluntary departure, or other forms of relief from removal. IJ decisions are administratively final unless appealed or certified to the BIA.

Some removal proceedings are conducted in prisons and jails as part of the Institutional Hearing Program. In coordination with DHS and correctional authorities across the country, IJs conduct hearings to adjudicate the immigration status of alien inmates while they are serving sentences for criminal convictions.

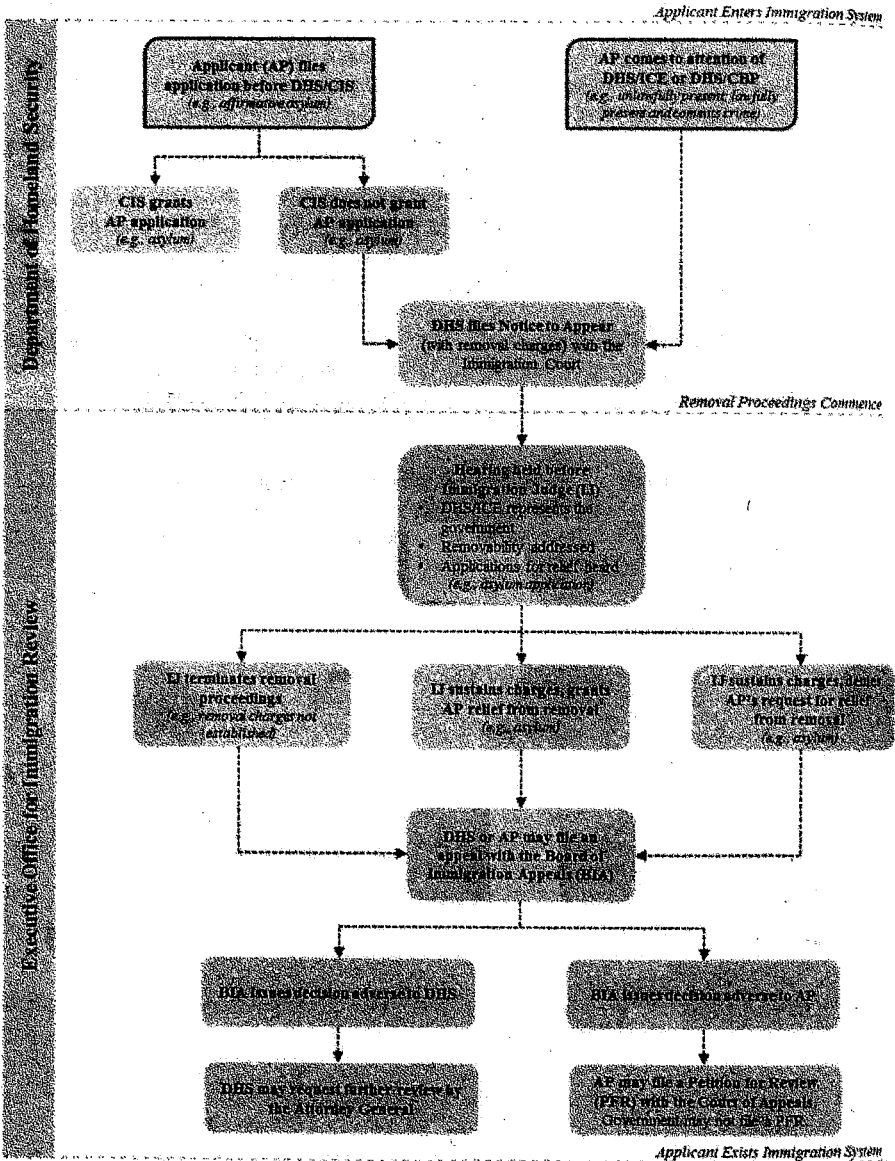
Appellate Review: In most appeals to the BIA, the process begins with filing a notice of appeal challenging an IJ decision. The appeal can be filed either by the alien or the Government (represented by DHS's Immigration and Customs Enforcement (ICE)).

When an appeal is filed by either party, the BIA acknowledges receipt of the appeal, transcribes the proceedings (where appropriate), and sets a briefing schedule to allow both parties to present their arguments. Once briefing concludes, the appeal is adjudicated by a panel of one, three, or all Board Members.

If the decision is not published, the decision is binding only on the parties. If the BIA elects to publish the decision, it becomes legal precedent and is binding nationwide. The BIA's decision will stand unless and until modified or overruled by the Attorney General, a federal court, or the BIA itself.

The following flow chart details examples of paths to and through removal proceedings.

EXAMPLE PATHS TO AND THROUGH REMOVAL PROCEEDINGS



OCAHO Administrative Hearings: OCAHO cases begin with the filing of a complaint, either by the DHS, Immigration and Customs Enforcement, in employer sanctions and document fraud cases under INA §§ 274A and 274C, respectively, or by private individuals or entities and/or the Civil Rights Division's Office of Special Counsel for Immigration Related Unfair Employment Practices in immigration-related employment discrimination cases under INA § 274B. After the complaint is filed, the respondent is given an opportunity to file an answer. Following the answer, the parties typically file prehearing statements, undertake discovery, and participate in one or more telephonic prehearing conferences with the ALJ. Parties may also engage in settlement negotiations and file dispositive motions with the ALJ. Cases that are not resolved or dismissed proceed to a formal evidentiary hearing, typically held near where the parties reside or the alleged violation(s) occurred. Final decisions and orders issued by the ALJ in employer sanctions and document fraud cases are reviewable by the CAHO and/or the Attorney General. Once a final agency decision has been issued, a party may file an appeal with the appropriate federal circuit court of appeals. Final ALJ decisions in immigration-related employment discrimination cases are not reviewable by the CAHO or the Attorney General; rather, these decisions may be appealed directly to the appropriate federal circuit court of appeals.

2. Performance and Resources Tables
(Tables begin next page)

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Executive Office for Immigration Review											
RESOURCES											
TYPE	PERFORMANCE	Target		Actual		Projected		Changes		Requested (Total)	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		1,667	420,283	1,392	422,295	1,667	421,482	225	74,950	1,892	500,407
Program Activity	Adjudicate Immigration Cases ¹	1,667	420,283	1,392	422,295	1,667	421,482	225	74,950	1,892	500,407
		Office of the Chief Immigration Judge									
Performance Measure: Output	Total Initial Case Completions	195,540		186,434		228,247		9,187		237,434	
Performance Measure: Output	Detained ² Initial Case Completions	54,947		51,849		64,137		2,582		66,719	
Performance Measure: Output	Non-Detained Initial Case Completions	140,593		134,585		164,110		6,605		170,715	
Performance Measure: Outcome	no estimate ³										
Performance Measure: Efficiency	Institutional Hearing Program (IHP) Cases	0.85		72%		85%				85%	

	Completed Before Release				
Performance Measure: Efficiency	Detained Cases Completed within 60 days	80%	67%	80%	80%
	Board of Immigration Appeals				
Performance Measure: Output	Appellate Case Completions	34,020	33,240	36,120	40,740
Performance Measure: Output	Detained Appellate Case Completions	7,757	7,309	8,235	9,289
Performance Measure: Outcome	no estimate ¹				
Performance Measure: Efficiency	Detained Case Appeals Completed within 150 days	90%	98%	90%	90%
<p>Definition. The Executive Office for Immigration Review (EOIR) has identified two types of Immigration court cases (Institutional Hearing Program (IHP) and detained cases) and one type of Board of Immigration Appeals (BIA) case (detained appeals) as case types for performance measurement. The IHP is a collaborative effort between EOIR, the Department of Homeland Security (DHS) and various federal, state, and local corrections agencies. The IHP permits immigration judges to hold removal hearings while an alien is completing his or her criminal sentence.</p> <p>Data Validation, Verification, and Limitations: Data are collected from the Case Access System for EOIR (CASE), a nationwide case tracking system at the trial and appellate levels. Court and Appellate staff enters data, which is electronically transmitted and stored at EOIR headquarters, allowing for timely and complete data collection. Data are verified by on-line edits of data fields. Headquarters and field office staff use routine daily, weekly, and monthly reports that verify data. Data validation is also performed on a routine basis through data comparisons between EOIR and DHS databases. There are no data limitations known at this time.</p> <p>¹A case before the immigration courts is a proceeding that begins when the Department of Homeland Security (DHS) files a charging document. Before the Board of</p>					

Immigration Appeals, a case is an appeal from an immigration judge decision, an appeal from certain DHS decisions, and motions to reopen, reconsider, or reinstate proceedings. This does not include change of venue requests or transfers from one immigration court to another. In addition, initial case completions do not include cases that have been reopened or remanded from the Board of Immigration Appeals.

²Detained cases are cases involving individuals under the custodial supervision of DHS or other entities.

³As an adjudicatory body charged with fairly, expeditiously, and uniformly interpreting the Nation's immigration laws, it is inappropriate to develop case outcome measurements.

PERFORMANCE MEASURE TABLE												
Decision Unit: Executive Office for Immigration Review												
Performance Report and Performance Plan Targets		FY 2012	FY 2013	FY 2014	FY 2015	FY 2016		FY 2017	FY 2018			
		Actual	Actual	Actual	Actual	Target	Actual	Target	Target	Target		
Performance Measure	Total Initial Case Completions ¹	188,223	173,176	168,140	181,575	195,540	186,454	228,247	237,434			
Performance Measure	Detained Initial Case Completions ²	89,621	63,331	61,590	51,005	54,947	51,249	64,137	66,719			
Performance Measure	Non-Detained Initial Case Completions	98,602	109,845	99,550	130,570	140,593	134,585	164,110	170,715			
Performance Measure	Appellate Case Completions	39,549	36,689	30,823	34,244	34,020	33,240	36,120	40,740			
Performance Measure	Detained Appellate Case Completions	8,052	7,446	8,138	7,810	7,757	7,309	8,235	9,289			
Efficiency Measure	Institutional Hearing Program (IHP) Cases Completed Before Release	87%	88%	79%	79%	85%	72%	85%	85%			
Efficiency Measure	Detained Cases Completed within 60 days	86%	82%	74%	71%	80%	67%	80%	80%			
Efficiency Measure	Detained Case Appeals Completed within 150 days	97%	97%	93%	95%	90%	86%	90%	90%			
OUTCOME Measure	no estimate ³											

¹A case before the immigration courts is a proceeding that begins when the Department of Homeland Security (DHS) files a charging document. Before the Board of Immigration Appeals, a case is an appeal from an immigration judge decision, an appeal from certain DHS decisions, and motions to reopen, reconsider, or reinstate proceedings. This does not include change of venue requests or transfers from one immigration court to another. In addition, initial case completions do not include cases that have been reopened or remanded from the Board of Immigration Appeals.

²Detained cases are cases involving individuals under the custodial supervision of DHS or other entities.

³As an adjudicatory body charged with fairly, expeditiously, and uniformly interpreting the Nation's immigration laws, it is inappropriate to develop case outcome measurements.

3. Performance, Resources, and Strategies

EOIR's adjudication functions are part of the government's broader immigration and border control programs. As such, EOIR's ability to adjudicate cases involving individuals housed in DHS detention space in a timely fashion allows EOIR to aid in the efficient utilization of DHS detention space. The guarantee of fairness and due process, including for those individuals in detention, remains a cornerstone of our judicial system, and EOIR's role in granting relief from removal in meritorious cases, and in the denial of relief from removal in others, helps assure the integrity of the overall process.

a. Performance Plan and Report for Outcomes

For the immigration courts, EOIR chose two priority case types as performance measures and set the following goals:

- 85% of Institutional Hearing Program (criminal aliens) cases completed before release from incarceration; and

- 80% of detained cases completed within 60 days.

In FY 2016, the immigration courts did not meet these two priority targets but continue to strive to complete these priority cases in a timely fashion. The goal in FY 2017 and FY 2018 will remain the same for both of these measures.

The performance measure for the BIA is:

- 90% of detained appeals adjudicated within 150 days.

In FY 2016, the BIA met this target. This performance measure will continue through FY 2017 and FY 2018.

To summarize, the FY 2018 target is to complete EOIR's priority adjudications within established timeframes.

b. Strategies to Accomplish Outcomes

Case adjudication time to completion remains a key performance indicator for EOIR. In particular, EOIR's performance indicators include a focus on the cases of individuals detained by the DHS, a longstanding agency priority. The agency's focus on detained cases, as well as other more recent priority cases established in response to specific migratory issues along the southwest border, means that the agency will continue to allocate resources as needed to focus on meeting priority case goals. This includes adjusting court dockets to consolidate the amount of hearing time devoted to detained cases and to quickly schedule first hearings for the cases of certain recent border crossers.

EOIR is also concentrating its resources on hiring IJs and associated support staff to increase the agency's capacity to adjudicate cases. EOIR has made significant progress in hiring IJs and expects to continue this effort until all authorized positions are filled. The agency expects that new IJs and their support staff will enable the agency to begin to correct the imbalance between the incoming caseload and the number of judges available to adjudicate it. EOIR also recently reorganized the immigration court management structure to promote efficiency and prepare for expansion. This update of management structure has already made a positive impact on communication between headquarters and field offices, a key step in promoting operational efficiency. EOIR managers are focusing on creative ways to manage the caseload by shifting resources to focus on high priority cases. More generally, EOIR is continually assessing programs to ensure that courts are relying on the most efficient and effective processes.

In addition, the agency is leveraging the creative use of space and technology to improve the efficiency of the immigration courts. EOIR expects to build out new court space to house IJs and support staff. EOIR has fully deployed video teleconferencing equipment, promoting a more agile environment by increasing the agency's ability to hear cases in remote locations and adjust dockets to meet unexpected challenges. The agency is also investing in additional information technology infrastructure improvements intended to facilitate more efficient and effective internal processes, data sharing, and communications with external partners. In addition, EOIR is actively evaluating how to best update our case management and other electronic databases to enable the agency's adjudicatory components to manage their workload in a more streamlined and efficient manner.

B. Office of the Pardon Attorney

<i>Office of the Pardon Attorney</i>	Direct Pos.	Estimated FTE	Amount
2016 Enacted	22	20	4,496
2017 Continuing Resolution	22	21	4,487
Adjustments to Base and Technical Adjustments	-3	-2	473
2018 Current Services	19	19	4,960
2018 Program Increases	0	0	0
2018 Program Decreases	0	0	0
2018 Request	19	19	4,960
Total Change 2017-2018	-3	-2	473

4. Program Description

OPA's primary function is to receive, evaluate, and investigate clemency applications and prepare the recommendation of the Department as to the appropriate disposition of each application for the signature of the Deputy Attorney General. OPA also responds to inquiries concerning executive clemency petitions and the clemency process from applicants, their legal representatives, members of the public, members of Congress, and various federal, state, and local officials and agencies; prepares all necessary documents to effect the President's decision to grant clemency; and notifies each clemency applicant of the President's decision concerning his or her clemency request. When asked to do so, OPA also provides general advice to the White House concerning executive clemency procedures and the historical background of clemency matters.

5. Performance and Resource Tables

(Tables begin next page)

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Office of the Pardon Attorney											
RESOURCES											
TYPE	Program Activity	Target		Actual		Target		Changes		Requested (Total)	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)											
		22	4,496	20	4,488	22	4,487	-2	473	19	4,960
		FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2016 Program Changes		FY 2018 Request	
	PERFORMANCE										
		22	4,498	20	4,466	22	4,487	-2	473	19	4,960
	Processing clemency petitions										
	Performance Measure: Output	3,500		3,064		3,500				3,500	
	Performance Measure: Outcome	7,000		10,783		7,000				3,500	
	Performance Measure: Outcome	2,400		1,360		2,400				2,400	

Data Definition, Validation, Verification, and Limitations: OPA's automated case tracking and processing system is updated daily and used extensively to track the status of clemency petitions and correspondence. Performance data derived therefrom are cross-referenced with internal reports to ensure accuracy.

PERFORMANCE MEASURE TABLE														
Decision Unit: Office of the Pardon Attorney														
Performance Measure	FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Measure	1,669	1,962	1,962	1,079	1,079	2,781	3,500	3,500	8,064	3,500	3,500	3,500	3,500	3,500
Performance Measure	N/A	N/A	N/A	N/A	N/A	N/A	2,400	2,400	1,860	2,400	2,400	2,400	2,400	2,400
Efficiency Measure														
OUTCOME Measure	1,156	1,867	1,867	7,790	7,790	8,287	7,000	7,000	10,183	7,000	7,000	7,000	7,000	3,500
	Petitions pending at OPA													

6. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

Because OPA's sole mission is to assist the President in the exercise of clemency power, its performance measure is the number of clemency petitions processed during a given fiscal year. Likewise, OPA's outcome measure is the number of clemency petitions that remain pending at the end of the fiscal year. In FY 2009, OPA set its annual targets for both measures at 1,500 cases. OPA exceeded both targets, processing more than 1,500 cases and keeping the number of pending cases under 1,500, through FY 2012. In FY 2013, OPA exceeded its target for petitions processed, but it missed the target for petitions pending at the end of the fiscal year due to the uncommonly large number of new filings it received (2,673 total applications). In light of that historic number of filings, OPA increased its petitions pending target for FY 2014 through FY 2016. However, OPA was unable to meet its outcome measure target for cases pending at the end of each fiscal year due to the large volume of new filings. The degree to which OPA will be able to meet its annual cases pending outcome target will depend significantly on the volume of new petitions filed in upcoming fiscal years and how quickly OPA can work through the high cumulative number of petitions filed in the last few fiscal years.

b. Strategies to Accomplish Outcomes

OPA strives to continue to reduce the overwhelming backlog of clemency cases submitted during the last administration while also processing all new clemency cases submitted under the current administration. OPA intends to maintain the necessary balance between attorneys and administrative support staff to continue efficient processing of both new and pending clemency petitions. Given the volume of OPA's current caseload plus the volume expected in the future, it is critical that the office maintain equal levels of experienced clemency attorneys and support staff to evaluate the merits of incoming petitions and draft cogent, legally correct letters of advice to assist the President's decision-making. OPA's support staff provide crucial assistance in processing clemency petitions by completing cursory reviews, requesting additional information when necessary, drafting screening letters, and completing other necessary correspondence. This facilitates moving petitions through the review process in a timely and cost-effective manner and alleviates the administrative burden on OPA's attorneys, allowing them to focus their expertise on legal analysis. Where possible, OPA will seek cost-effective ways to accomplish the myriad clerical tasks required to process and manage the caseload, including maintaining OPA's electronic case processing and tracking system, while continuing to provide its attorneys with the necessary administrative support to analyze and evaluate the merits of individual applications and prepare the appropriate letters of advice to inform the President.

V. Program Increases by Item

Item Name: Immigration Judge Teams

Budget Decision Unit: Executive Office for Immigration Review

Organizational Program: Immigration Adjudications

Program Increase: Positions 450 Agt/Atty 150 FTE 225 Dollars \$74,950,000

Description of Item

This increase will add 75 new IJ teams. An IJ team consists of one IJ and five full-time positions to support the adjudicatory mission of EOIR. Each IJ team, in addition to the IJ the full time positions will include one attorney position (specifically designated as .5 FTE for a Board of Immigration Appeals attorney and .5 FTE for either a Judicial Law Clerk or other mission support attorney), one legal assistant, and three other FTE made up of a combination of the following positions on an as-needed basis: additional legal assistant, interpreter, and/or other EOIR mission support staff. Additionally, EOIR has now completely filled all usable EOIR courtroom and office space for immigration judges and supporting staff with currently authorized FTE. In order to provide courtrooms and office space for the new adjudicators and support staff in the IJ team, this program increase includes the cost of construction of new space for these additional FTE.

Justification

With the current volume of receipts, the caseload will continue to grow well into the future. This program increase will allow EOIR to hold more hearings annually.

Growth in the caseload represents a major challenge for EOIR that will be addressed by increasing IJ resources. Each new case in immigration court begins upon the Department of Homeland Security's filing of a charging document following an encounter with an illegal alien. It remains critically important to balance EOIR's adjudicative capacity with DHS's enforcement efforts. The number of cases pending adjudication increased 87 percent from the end of FY 2011 through the first two quarters of FY 2017. While the number of cases is rising, so is the length of proceedings. A significant factor in this increase in pending caseload is the uptick in the number of cases with applications for relief or protection. Cases with applications for relief or protection can be more complex, requiring time to gather evidence and witnesses, resulting in longer processing times.

Additionally, pursuant to the President's executive order, EOIR has taken significant steps to assist the Administration in achieving full operational control of the border. EOIR is focusing on hiring additional immigration judges and support staff to better address the backlog of pending cases but this hiring increase must continue unabated. By addressing cases that are scheduled farther into the future so as to adjudicate those cases sooner, EOIR will work to address certain of those factors that lead to higher levels of absconders. We believe that pull factors can be

increased if aliens believe they can come to the U.S. and wait years for a hearing, or disappear in the interior of the U.S. without a need to appear in immigration court. To this end, the budget request for these 450 positions will provide EOIR with a massive personnel increase that will better enable EOIR to adjudicate immigration cases efficiently, ultimately leading to decreased incentives to those individuals seeking to enter or remain in the United States illegally.

It is important to note that the process for on-boarding immigration judges is quite lengthy. The hiring process for immigration judges has often taken more than one year due to the need to adequately vet the qualifications of the hundreds of applicants received for each of these positions. The Department of Justice has implemented a new, streamlined hiring plan, announced by the Attorney General during a speech on April 11, 2017. It requires just as much vetting as before, but aims to reduce the timeline, reflecting the dire need to reduce the backlogs in our immigration courts. EOIR has taken and continues to take steps to reduce the amount of time an application is pending before the agency so as to effectuate the hiring of these key personnel as rapidly as possible.

Impact on Performance

This initiative ties directly to EOIR's efforts to adjudicate immigration cases fairly and expeditiously in accordance with due process. EOIR's adjudicatory capacity must steadily increase in order to provide prompt hearings for individuals in proceedings before the agency. With a sustained commitment to continue hiring immigration judges and Board of Immigration Appeals staff, EOIR believes that it will be able to decrease its pending caseload and reduce the amount of time respondents must wait until their cases are brought to conclusion.

Base Funding

FY 2016 Enacted				FY 2017 Continuing Resolution				FY 2018 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
2,138	681	1,667	422,295	2,138	681	1,667	421,492	2,138	681	1,667	425,457

Personnel Increase Cost Summary

Type of Position/Series	Full-year Modular Cost per Position (\$000)	1 st Year Annual- ization	Number of Positions Requested	FY 2018 Request (\$000)	2 nd Year Annual- ization	2 nd Year FY 2019 Net Annualization (change from 2018) (\$000)
Clerical and Office Services (0300-0399)	64	48	150	7,200	9,600	2,400
Clerical and Office Services (0300-0399)	107	80	150	12,000	16,050	4,050
Attorneys (0905)	205	154	75	11,550	15,375	3,825
Attorneys (0905)	125	94	75	7,050	9,375	2,325
Total Personnel			450	37,800	50,400	12,600

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2018 Request (\$000)	FY 2019 Net Annualization
75 Immigration Judge Teams			37,150	-33,005
Total Non-Personnel			37,150	-33,005

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total	FY 2019 Net Annualization
Current Services	2,138	681	1,667			425,457	
Increases	450	150	225	37,800	37,150	74,950	-20,405
Grand Total	2,588	831	1,892			500,407	

B. Summary of Requirements

Summary of Requirements
 Executive Office for Immigration Review
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted 1/	2,138	1,392	422,295
Total 2016 Enacted	2,138	1,392	422,295
2017 Continuing Resolution	2,138	1,667	422,295
2017 Rescission - 0.1901%	0	0	-803
Total 2017 Continuing Resolution	2,138	1,667	421,492
Technical Adjustments			
DHS Immigration Examination Fees - EOIR	0	0	-3,992
Total Technical Adjustments	0	0	-3,992
Base Adjustments			
Transfers:			
Transfers - DHS Immigration Examination Fee Account	0	0	4,000
Pay and Benefits	0	0	6,242
Domestic Rent and Facilities	0	0	-2,285
Total Base Adjustments	0	0	7,967
Total Technical and Base Adjustments	0	0	3,966
2018 Current Services	2,138	1,667	425,457
Program Changes			
Increases:			
Adjudication Support Modules (75 Modules)	450	225	74,950
Subtotal, Increases	450	225	74,950
Total Program Changes	450	225	74,950
2018 Total Request	2,588	1,892	600,407
2017 - 2018 Total Change	450	225	78,915

^{1/} FY 2016 FTE is actual

B. Summary of Requirements

Summary of Requirements
 Executive Office for Immigration Review
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			FY 2017 Continuing Resolution			FY 2018 Technical and Base Adjustments			FY 2018 Current Services		
	Position \$	Actual FTE	Amount	Position \$	Est. FTE	Amount	Position \$	Est. FTE	Amount	Position \$	Est. FTE	Amount
Executive Office for Immigration Review	2,138	1,392	422,295	2,138	1,667	421,492	0	0	3,965	2,138	1,667	425,457
Total Direct	2,138	1,392	422,295	2,138	1,667	421,492	0	0	3,965	2,138	1,667	425,457
Balance Rescission			0			0			0			0
Total Direct with Rescission			422,295			421,492			3,965			425,457
Reimbursable FTE		0			0			0			0	
Total Direct and Reimb. FTE	1,392	1,392		1,667	1,667			0			1,667	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE	1,392	1,392		1,667	1,667			0			1,667	

Program Activity	2018 Increases			2018 Offsets			2018 Request		
	Position \$	Est. FTE	Amount	Position \$	Est. FTE	Amount	Position \$	Est. FTE	Amount
Executive Office for Immigration Review	450	225	74,950	0	0	0	2,588	1,892	500,407
Total Direct	450	225	74,950	0	0	0	2,588	1,892	500,407
Balance Rescission			0			0			0
Total Direct with Rescission			74,950			0			500,407
Reimbursable FTE		0			0			0	
Total Direct and Reimb. FTE	225	225		0	0			1,892	
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE	225	225		0	0			1,892	

C Program Changes by Decision Unit

FY 2018 Program Increases/Offsets by Decision Unit

Executive Office for Immigration Review

Salaries and Expenses

(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Executive Office for Immigration Review				Total Increases			
		Positions	Agt./Atty.	Est. FTE	Amount	Positions	Agt./Atty.	Est. FTE	Amount
Adjudication Support Modules (75 Modules)		450	150	225	74,950	450	150	225	74,950
Total Program Increases		450	150	225	74,950	450	150	225	74,950
Program Offsets	Location of Description by Program Activity	Executive Office for Immigration Review				Total Offsets			
		Positions	Agt./Atty.	Est. FTE	Amount	Positions	Agt./Atty.	Est. FTE	Amount
No Program Offsets									
Total Program Offsets									

Justifications for Technical and Base Adjustments
Executive Office for Immigration Review
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate	Amount
Technical Adjustments			
1 DHS Immigration Examination Fees - EOIR	0	0	-3,992
EOIR - DHS Exam Fee	0	0	-3,992
Subtotal, Technical Adjustments			0
Transfers			
1 Transfers - DHS Immigration Examination Fee Account	0	0	4,000
Transfers - DHS Immigration Examination Fee Account	0	0	4,000
Subtotal, Transfers			0
Pay and Benefits			
1 2016 Pay Rises - 1.5%	0	0	3,435
This request provides for a proposed 1.9 percent pay raise to be effective in January of 2016. The amount requested represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits.			
2 Adjustment of 2017 CSRS Ranges - 2.85%	0	0	1,706
The pay adjustments represent first quarter amounts (October through December) of the 2017 pay increase of 2.8 percent included in the 2017 Appropriation. The amount requested represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits.			
3 Health Insurance	0	0	888
Effective January 2018, the component's contribution to Federal employees' health insurance increases by 7.7 percent.			
4 Retirement	0	0	113
Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees.			
Subtotal, Pay and Benefits			0
Domestic Rent and Facilities			
1 GSA Rent	0	0	477
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new spaces to be occupied. GSA provides data on the rate increases.			
2 Guard Service	0	0	176
This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country.			
3 Moves - Non-Federal	0	0	-2,938
GSA requires all agencies to pay relocation costs associated with lease expirations. This is the non-recurrence of the move costs associated with new office relocations provided in the FY 2017 President's Budget.			
Subtotal, Domestic Rent and Facilities			0
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS			0
	0	0	-3,965

Crosswalk of 2016 Availability
 Executive Office for Immigration Review
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover		FY 2016 Availability		
	Position s	Actual FTE	Amount	Position s	Actual FTE	Amount	Amount		Position s	Actual FTE	Amount
Executive Office for Immigration Review	2,138	1,392	422,295	0	0	0	0	0	2,138	1,392	422,295
Total Direct	2,138	1,392	422,295	0	0	0	0	0	2,138	1,392	422,295
Balance Rescission			0								0
Total Direct with Rescission			422,295			0					422,295
Reimbursable FTE											
Total Direct and Reimb. FTE		1,392			0					1,392	
Other FTE:											
LEAP FTE		0			0					0	
Overtime		0			0					0	
Grand Total, FTE		1,392			0					1,392	

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
 Executive Office for Immigration Review
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution			Reprogramming/Transfers			Carryover		Recoveries/Refunds		FY 2017 Availability	
	Position s	Est. FTE	Amount	Position s	Est. FTE	Amount	Amount	Amount	Position s	Est. FTE	Amount	Amount
Executive Office for Immigration Review	2,138	1,667	421,492	0	0	0	0	0	2,138	1,667	421,492	
Total Direct	2,138	1,667	421,492	0	0	0	0	0	2,138	1,667	421,492	
Balance Rescission			0									
Total Direct with Rescission			421,492									
Reimbursable FTE		0			0					0		0
Total Direct and Reimb. FTE		1,667			0					1,667		421,492
Other FTE												
LEAP FTE		0			0					0		
Overtime		0			0					0		
Grand Total, FTE		1,667			0					1,667		

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources
 Executive Office for Immigration Review
 Salaries and Expenses
 (Dollars in Thousands)

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Corporation for National and Community Services	0	0	93	0	0	0	0	0	0	0	0	0
EOUSA	0	0	0	0	0	4	0	0	0	0	0	-4
Office of Attorney Recruitment/Management	0	0	0	0	0	0	0	0	0	0	0	0
Office of Justice Programs	0	0	5	0	0	0	0	0	0	0	0	0
Office of Personnel Management	0	0	4	0	0	0	0	0	0	0	0	0
Budgetary Resources	0	0	106	0	0	4	0	0	0	0	0	-4
Obligations by Program Activity	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Executive Office for Immigration Review	0	0	106	0	0	4	0	0	0	0	0	-4
Budgetary Resources	0	0	106	0	0	4	0	0	0	0	0	-4

I. Detail of Permanent Positions by Category
 Detail of Permanent Positions by Category
 Executive Office for Immigration Review
 Supplemental Positions
 (Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Request					
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.	
Miscellaneous Operations (001-059)	59	0	59	0	0	0	0	59	0	
Security Specialists (080)	7	0	7	0	0	0	0	7	0	
Personnel Management (0200-0260)	15	0	15	0	0	0	0	15	0	
Clerical and Office Services (0300-0399)	386	0	386	0	0	300	0	686	0	
Accounting and Budget (500-598)	6	0	6	0	0	0	0	6	0	
Paralegals / Other Law (500-598)	594	0	594	0	0	0	0	594	0	
Attorneys (605)	681	0	681	0	0	150	0	831	0	
Information & Arts (1000-1099)	176	0	176	0	0	0	0	176	0	
Business & Industry (1100-1199)	16	0	16	0	0	0	0	16	0	
Library (1400-1499)	4	0	4	0	0	0	0	4	0	
Supply Services (2000-2099)	8	0	8	0	0	0	0	8	0	
Information Technology Mgmt (2210-2299)	60	0	60	0	0	0	0	60	0	
Ungraded	153	0	153	0	0	0	0	153	0	
Total	2,165	0	2,165	0	0	450	0	2,615	0	
Headquarters Washington D.C.	643	0	643	0	0	0	0	643	0	
US Fields	1,495	0	1,495	0	0	450	0	1,945	0	
Foreign Field	0	0	0	0	0	0	0	0	0	
Total	2,138	0	2,138	0	0	450	0	2,588	0	

F.

J. Financial Analysis of Program Changes

Financial Analysis of Program Changes
Executive Office for Immigration Review
Salaries and Expenses
(Dollars in Thousands)

Grants	Executive Office for Immigration Review			Total Program Changes		
	Program Increases Positions	Program Decreases Positions	Amount	Program Increases Positions	Program Decreases Positions	Amount
11.4	75	0	180	0	0	180
GS-13	75	0	7200	0	0	7200
GS-12	150	0	12300	0	0	12300
GS-7	150	0	7500	0	0	7500
	225	0	28800	0	0	28800
	-225	0	-10520	0	0	-10520
LEAPLO						
11.5 - Other Personnel Compensation						
	225	0	28,350	0	0	28,350
12.1 - Other Personnel benefits						
20.3 - Communications, utilities, and maintenance charges			8526	0	0	8526
25.2 - Other services from non-federal sources			14615	0	0	14615
25.3 - Other goods and services from federal sources			835	0	0	835
35.9 - Land and Buildings			0	0	0	0
	225	0	74,866	0	0	74,866
Total Program Change Requests						
						74,866

K. Summary of Requirements by Object Class
Summary of Requirements by Object Class
 Executive Office for Immigration Review
 Salaries and Expenses
 (Dollars in Thousands)

Object Class	FY 2016 Actual		FY 2017 Continuing		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Resolution		Direct FTE	Amount	Direct FTE	Amount
			Direct FTE	Amount				
11.1 - Full-time permanent	1,392	131,611	1,667	158,419	1,892	192,698	225	34,279
11.3 - Other than full-time permanent	0	16,357	0	14,169	0	14,169	0	0
11.5 - Other personnel compensation	0	1,563	0	1,727	0	1,727	0	0
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	-11	0	0	0	0	0	0
Total	1,392	149,520	1,667	174,315	1,892	206,594	225	34,279
Other Object Classes								
12.1 - Civilian personnel benefits		47,675		53,443		63,206	0	9,763
13.0 - Benefits for former personnel		100		123		123	0	0
21.0 - Travel and transportation of persons		4,208		5,713		5,713	0	0
22.0 - Transportation of things		139		2,240		2,240	0	0
23.1 - Rental payments to GSA		28,092		28,195		28,672	0	477
23.2 - Rental payments to others		486		37		37	0	0
23.3 - Communications, utilities, and miscellaneous charges		12,993		8,811		15,337	0	6,526
24.0 - Printing and reproduction		187		474		474	0	0
25.1 - Advisory and assistance services		39,406		17,853		17,853	0	0
25.2 - Other services from non-federal sources		19,996		54,130		65,607	0	11,677
25.3 - Other goods and services from federal sources		23,285		23,557		24,400	0	843
25.4 - Operation and maintenance of facilities		21,844		8,432		8,608	0	176
25.6 - Medical care		0		251		251	0	0
25.7 - Operation and maintenance of equipment		11,293		18,124		18,124	0	0
26.0 - Supplies and materials		3,525		3,112		3,112	0	0
31.0 - Equipment		12,675		22,482		22,482	0	0
32.0 - Land and structures		20,578		0		0	0	0
41.0 - Grants, subsidies, and contributions		0		0		0	0	0
42.0 - Insurance claims and indemnities		333		200		200	0	200
Total Obligations		402,335		421,492		500,407	0	78,915
Net of:								
Unobligated Balance, Start-of-Year		0		0		0	0	0
Transfers/Reprogramming		0		0		0	0	0
Recoveries/Refunds		0		0		0	0	0
Balance Rescission		0		0		0	0	0
Unobligated End-of-Year, Available		0		0		0	0	0
Unobligated End-of-Year, Expiring		0		0		0	0	0
Total Direct Requirements		19,960		421,492		500,407	0	78,915
Reimbursable FTE	0		0		0		0	0
Full-Time Permanent								

Exhibit K - Summary of Requirements by Object Class

B. Summary of Requirements

Summary of Requirements
 Office of Pardon Attorney
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted 1/	22	20	4,496
Total 2016 Enacted	22	20	4,496
2017 Continuing Resolution	22	21	4,496
2017 Rescission - 0.1901%	0	0	-9
Total 2017 Continuing Resolution	22	21	4,487
Base Adjustments			
Pay and Benefits	-3	-2	256
Domestic Rent and Facilities	0	0	217
Total Base Adjustments	-3	-2	473
Total Technical and Base Adjustments	-3	-2	473
2018 Current Services	19	19	4,960
2018 Total Request	19	19	4,960
2017 - 2018 Total Change	-3	-2	473

^{1/} FY 2016 FTE is actual

B. Summary of Requirements

Summary of Requirements
Office of Pardon Attorney
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Technical and Base			FY 2018 Current Services				
	Position s	Actual FTE	Amount	Position s	Est. FTE	Amount	Position s	Est. FTE	Amount	Position s	Est. FTE	Amount
Office of the Pardon Attorney	22	20	4,496	22	21	4,487	19	19	4,960	19	19	4,960
Total Direct	22	20	4,496	22	21	4,487	19	19	4,960	19	19	4,960
Balance Rescission			0			0			0			0
Total Direct with Rescission			4,496			4,487			4,960			4,960
Reimbursable FTE		0			0							
Total Direct and Reimb. FTE		20			21							
Other FTE:												
LEAP		0			0				0			0
Overtime		0			0				0			0
Grand Total, FTE		20			21							19

Program Activity	2018 Increases		2018 Offsets		2018 Request	
	Position s	Est FTE	Position s	Est. FTE	Position s	Est. FTE
Office of the Pardon Attorney	0	0	0	0	0	19
Total Direct	0	0	0	0	0	19
Balance Rescission						
Total Direct with Rescission						
Reimbursable FTE		0		0		0
Total Direct and Reimb. FTE		0		0		19
Other FTE:						
LEAP		0		0		0
Overtime		0		0		0
Grand Total, FTE		0		0		19

Justifications for Technical and Base Adjustments

Office of Pardon Attorney
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate	Amount
		FTE	
Pay and Benefits			
1 2018 Pay Raise - 1.9% This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount requested represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits.	0	0	113
2 Annualization of 2017 Pay Raise - 2.88% This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88 percent included in the 2017 Appropriation. The amount requested represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits.	0	0	78
3 Health Insurance Effective January 2018, the component's contribution to Federal employees' health insurance increases by 7.7 percent.	0	0	60
4 Position Rightizing Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	-3	-2	0
5 Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees.	0	0	5
	Subtotal, Pay and Benefits	-3	266
Domestic Rent and Facilities			
1 GSA Rent GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.	0	0	217
	Subtotal, Domestic Rent and Facilities	0	217
	TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-3	473

Crosswalk of 2016 Availability
 Office of Pardon Attorney
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover Amount	Recoveries/ Refunds Amount	FY 2016 Availability		
	Position s	Actual FTE	Amount	Position s	Actual FTE	Amount			Position s	Actual FTE	Amount
Office of the Pardon Attorney	22	20	4,496	0	0	0	0	0	22	20	4,496
Total Direct	22	20	4,496	0	0	0	0	0	22	20	4,496
Balance Rescission			0				0	0			0
Total Direct with Rescission			0				0	0			0
Reimbursable FTE		0	4,496		0	0	0	0			4,496
Total Direct and Reimb. FTE		20			0					20	
Other FTE:											
LEAP FTE		0			0					0	
Overtime		0			0					0	
Grand Total, FTE		20			0					20	

Crosswalk of 2017 Availability
 Office of Pardon Attorney
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution			Reprogramming/Transfers			Carryover Amount	Recoveries/ Refunds Amount	FY 2017 Availability		
	Position s	Est. FTE	Amount	Position s	Est. FTE	Amount			Position s	Est. FTE	Amount
Office of the Pardon Attorney	22	21	4,487	0	0	0	0	0	22	21	4,487
Total Direct	22	21	4,487	0	0	0	0	0	22	21	4,487
Balance Rescission			0								0
Total Direct with Rescission			4,487			0	0	0			4,487
Reimbursable FTE		0			0						0
Total Direct and Reimb. FTE		21			0					21	
Other FTE:											
LEAP FTE		0			0					0	
Overtime		0			0					0	
Grand Total, FTE		21			0					21	

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources
 Office of Pardon Attorney
 Salaries and Expenses
 (Dollars in Thousands)

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Office of Justice Programs	0	0	47	0	0	0	0	0	0	0	0	0
Executive Office for US Attorneys	0	0	300	0	0	0	0	0	0	0	0	0
Budgetary Resources	0	0	347	0	0	0	0	0	0	0	0	0

Obligations by Program Activity	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Office of the Pardon Attorney	0	0	347	0	0	0	0	0	0	0	0	0
Budgetary Resources	0	0	347	0	0	0	0	0	0	0	0	0

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Office of Pardon Attorney
Salaries and Expenses
(Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Request					
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.	
Clerical and Office Services (0300-0399)	6	0	6	0	-2	0	0	0	4	0
Paralegals / Other Law (900-998)	5	0	5	0	0	0	0	0	5	0
Attorneys (905)	11	0	11	0	0	0	0	0	11	0
Paralegal Specialist (0950)	0	0	0	0	-1	0	0	0	-1	0
Total	22	0	22	0	-3	0	0	0	19	0
Headquarters Washington D.C.	22	0	22	0	-3	0	0	0	19	0
US Fields	0	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0	0
Total	22	0	22	0	-3	0	0	0	19	0

Summary of Requirements by Object Class
 Office of Pardon Attorney
 Salaries and Expenses
 (Dollars in Thousands)

K. Summary of Requirements by Object Class

Object Class	FY 2016 Actual		FY 2017 Continuing Resolution		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	20	1,547	21	1,926	19	2,117	-2	191
11.3 - Other than full-time permanent	0	415	0	374	0	374	0	0
11.5 - Other personnel compensation	0	30	0	24	0	24	0	0
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	174	0	147	0	147	0	0
Total	20	2,166	21	2,471	19	2,652	-2	191
Other Object Classes								
12.1 - Civilian personnel benefits		658		563		628	0	65
21.0 - Travel and transportation of persons		35		53		53	0	0
22.0 - Transportation of things		0		11		11	0	0
23.1 - Rental payments to GSA		0		703		920	0	217
23.2 - Rental payments to others		696		0		0	0	0
23.3 - Communications, utilities, and miscellaneous charges		156		160		160	0	0
24.0 - Printing and reproduction		8		5		5	0	0
25.1 - Advisory and assistance services		0		161		161	0	0
25.2 - Other services from non-federal sources		2		58		58	0	0
25.3 - Other goods and services from federal sources		117		200		200	0	0
25.4 - Operation and maintenance of facilities		72		0		0	0	0
25.6 - Medical care		0		3		3	0	0
25.7 - Operation and maintenance of equipment		110		23		23	0	0
26.0 - Supplies and materials		6		25		25	0	0
31.0 - Equipment		8		26		26	0	0
32.0 - Land and structures		54		25		25	0	0
Total Obligations		4,088		4,487		4,960	0	473
Net of:								
Unobligated Balance, Start-of-Year		0		0		0	0	0
Transfers/Reprogramming		0		0		0	0	0
Recoveries/Refunds		0		0		0	0	0
Balance Rescission		0		0		0	0	0
Unobligated End-of-Year, Available		0		0		0	0	0
Unobligated End-of-Year, Expiring		408		408		408	0	0
Total Direct Requirements		4,456		4,487		4,960	0	473
Reimbursable FTE	0		0		0		0	0
Full-Time Permanent								



**U.S. Department of Justice
FY 2018 PERFORMANCE BUDGET**

**Office of the Inspector General
Congressional Justification**

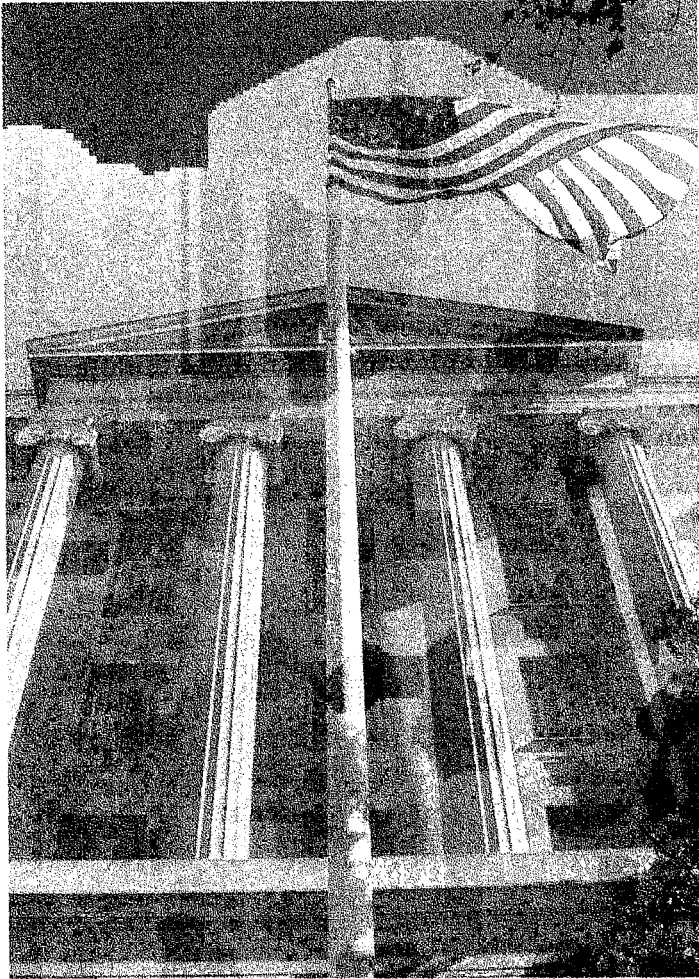


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I. Overview

A. Introduction

In Fiscal Year (FY) 2018, the Office of the Inspector General (OIG) requests a total of \$95,328,000, 451 FTE, and 470 positions (of which 139 are Agents and 30 are Attorneys) to investigate allegations of fraud, waste, abuse, and misconduct by Department of Justice (Department) employees, contractors, and grantees and to promote economy and efficiency in Department operations. This request of \$1,797,000 which is 1.92% more than the FY 2017 Continuing Resolution (CR) level, and is solely for base adjustments. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>

The Department is faced with a myriad of challenges that the OIG's office will have to carefully review to ensure the Department is keeping its mission to enforce the law and defend the interest of the United States. In particular the federal prison crisis, cybersecurity threats, drug enforcement interdiction and building trust and improving police-community relationships will be important challenges the Department will have to focus their attention towards.

The OIG's mission is to detect and deter waste and misconduct in DOJ programs in relation to the Department's challenges, execute programs that improve public safety and assist victims of crime and audits of programs with significant financial exposure that may result in criminal activity including fraud or misuse of government funds and grants. Accordingly, the OIG will have to maintain vigorous review over such programs and be able to adequately assess and review each program with the best people, up-to-date technology, and resources that the OIG can utilize.

The OIG must be committed to staying abreast of today's technology and being innovative and forward thinking to prepare for tomorrow's world. The OIG has a tremendous responsibility in protecting federal fiscal policy for the American tax payer, and we will strive to protect the tax payers' funds but also enhance the integrity, efficiency, and effectiveness of the Department's programs through our independent, fair, and obligatory oversight.

The OIG's primary focus is to prevent misuse, waste, fraud, and abuse of DOJ programs; to detect and deter misconduct in these programs and to continue to investigate workforce integrity issues such as whistleblower retaliation can only be accomplished with appropriate budgetary resources.

B. Background

The OIG was statutorily established in the Department on April 14, 1989. The OIG is an independent entity within the Department that reports to both the Attorney General and Congress on issues that affect the Department's personnel or operations.

The OIG has jurisdiction over all complaints of misconduct against Department of Justice employees, including the Federal Bureau of Investigation (FBI); Drug Enforcement Administration (DEA); Federal Bureau of Prisons (BOP); U.S. Marshals Service (USMS); Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); United States Attorneys' Offices (USAO); Office of Justice Programs (OJP); and other Offices, Boards and Divisions. The one

exception is that allegations of misconduct by a Department attorney or law enforcement personnel that relate to the exercise of the Department attorneys' authority to investigate, litigate, or provide legal advice are the responsibility of the Department's Office of Professional Responsibility (OPR).

The OIG investigates alleged violations of criminal and civil law, regulations, and ethical standards arising from the conduct of Department employees in their numerous and diverse activities. The OIG also audits and inspects Department programs and assists management in promoting integrity, economy, efficiency, and efficacy. Appendix A contains a table that provides statistics on the most recent Semiannual Reporting period. These statistics highlight the OIG's ongoing efforts to conduct wide-ranging oversight of Department programs and operations.

C. OIG Organization

The OIG consists of the Immediate Office of the Inspector General and the following five divisions and one office:

- Audit Division is responsible for independent audits of Department programs, computer systems, and financial statements. The Audit Division has regional offices in Atlanta, Chicago, Denver, Philadelphia, San Francisco, and Washington, D.C. Its Financial Statement Audit Office and Computer Security and Information Technology Audit Office are located in Washington, D.C. Audit Headquarters consists of the immediate office of the Assistant Inspector General for Audit, Office of Operations, Office of Policy and Planning, and Advanced Audit Techniques.
- Investigations Division is responsible for investigating allegations of bribery, fraud, abuse, civil rights violations, and violations of other criminal laws and administrative procedures governing Department employees, contractors, and grantees. The Investigations Division has field offices in Chicago, Dallas, Denver, Los Angeles, Miami, New York, and Washington, D.C. The Fraud Detection Office and the Cyber Investigations Office are located in Washington, D.C. The Investigations Division has smaller area offices in Atlanta, Boston, Trenton, Detroit, El Paso, Houston, San Francisco, and Tucson. Investigations Headquarters in Washington, D.C., consists of the immediate office of the Assistant Inspector General for Investigations and the following branches: Operations, Operations II, Investigative Support, and Administrative Support.
- Evaluation and Inspections Division conducts program and management reviews that involve on-site inspection, statistical analysis, and other techniques to review Department programs and activities and makes recommendations for improvement.
- Oversight and Review Division blends the skills of attorneys, investigators, program analysts, and paralegals to review Department programs and investigate sensitive allegations involving Department employees and operations, and manage the whistleblower program.
- Management and Planning Division provides advice to OIG senior leadership on administrative and fiscal policy and assists OIG components in the areas of budget formulation and execution, security, personnel, training, travel, procurement, property management, information technology, computer network communications, telecommunications, records management, quality assurance, internal controls, and general support.

- Office of the General Counsel provides legal advice to OIG management and staff. It also drafts memoranda on issues of law; prepares administrative subpoenas; represents the OIG in personnel, contractual, ethics, and legal matters; and responds to *Freedom of Information Act* requests.

D. Notable Highlights, Reviews and Recent Accomplishments

1. Safeguarding National Security and Ensuring Privacy and Civil Liberties Protections

The Department's national security efforts continue to be a focus of the OIG's oversight work, which has consistently shown that the Department faces myriad challenges in its efforts to protect the nation from attack.

Patriot Act, Section 1001

Section 1001 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (Patriot Act) directs the OIG to receive and review complaints of civil rights and civil liberty violations by DOJ employees, to publicize how people can contact the OIG to file a complaint, and to send a semiannual report to Congress discussing the OIG's implementation of these responsibilities. In March 2017, the OIG issued its most recent report, which summarized the OIG's Section 1001 activities from July 1 through December 31, 2016. The report described the number of complaints the OIG received under this section, the status of investigations conducted by the OIG and DOJ components in response to those complaints, and an estimate of the OIG's expenses for conducting these activities. During this period, the 507 complaints were processed. Of the 507 complaints, 461 were not within OIG's jurisdiction or not warranting further review, 46 complaints were within the OIG's jurisdiction warranting review, 38 were management issues referred to DOJ components for handling, and 8 possible Section 1001 complaints warranted investigations by DOJ components. The OIG did not find any possible Section 1001 complaints warranted investigation. The report also described other OIG reviews that are related to potential civil rights and civil liberty issues but not required by Section 1001.

Handling of Known or Suspected Terrorists Admitted into the Federal Witness Security Program

The OIG is conducting a follow-up audit of the Department's handling of known or suspected terrorists admitted into the federal Witness Security Program (Program). The preliminary objectives are to review the Department's handling of known or suspected terrorists admitted to the Program, practices for watch listing and processing encounters with this group of Program participants, and procedures for mitigating risks to the public through restrictions placed on this high-risk group of Program participants.

Review of Gender Equity in the Department of Justice Law Enforcement Components

The OIG is currently conducting a review examining gender equity in the Department's law enforcement components, specifically ATF, DEA, FBI, and USMS. The review will include an assessment of component demographics, gender discrimination complaints, and the complaint process. The OIG will also assess staff perceptions related to gender equity and the reasons why staff have those perceptions.

2. Enhancing Cybersecurity in an Era of Increasing Threats

The Department will be challenged to sustain a focused, well-coordinated cybersecurity approach for the foreseeable future. Cybersecurity is a high risk area across the federal government and the Department must continue to emphasize protection of its own data and computer systems, while marshalling the necessary resources to combat cybercrime and effectively engaging the private sector.

Cyber Security Examination

The Investigations Division's Cyber Investigations Office (INV/Cyber) continues to conduct computer forensic examination and mobile device forensic examinations for over 200 pieces of digital evidence annually, which includes computers, hard drives, cell phones, and other electronic media. The INV/Cyber reviews numerous referrals from the Justice Security Operations Center (JSOC) regarding the leak or spillage of Personally Identifiable Information and other sensitive DOJ data and makes appropriate disposition in consultation with Investigations Division senior officials.

The INV/Cyber will continue to build its expertise in cyber security and work with the JSOC to identify potential intrusion cases deemed appropriate for investigation.

Insider Threat Prevention and Detection Program

The Insider Threat Prevention and Detection Program (ITPDP) is designed to deter, detect, and mitigate insider threats from DOJ employees and contractors who would use their authorized access to do harm to the security of the U.S., which can include damage through espionage, terrorism, unauthorized disclosure of information, or through the loss or degradation of departmental resources or capabilities. While the initial focus is DOJ classified information and networks, it has expanded to unclassified sensitive information.

There are two parts to OIG's role in the DOJ ITPDP. One is compliance with DOJ Order 0901 that requires OIG to work with the Department in its efforts to monitor user network activity relating to classified material and networks. The reporting, training, and coordination requirements in this first role will be implemented by Management & Planning Division's Office of Security Programs. The second part of the ITPDP involves the INV/Cyber. The OIG has representatives that act as law enforcement liaisons to the JSOC relating to Insider Threat referrals as well as other cyber matters such as unauthorized access, network intrusion, child exploitation, and other potential violations of 18 USC 1030.

Joint Review on Domestic Sharing of Counterterrorism Information

In response to a Congressional request, the Inspectors General of the Intelligence Community, DOJ, and Department of Homeland Security (DHS) initiated a coordinated, joint review focusing on domestic sharing of counterterrorism information. The objectives of this review were to: (1) identify and examine the federally supported field-based intelligence entities engaged in counterterrorism information-sharing to determine their overall missions, specific functions, capabilities, funding, and personnel and facility costs, (2) determine whether counterterrorism information is being adequately and appropriately shared with all participating agencies, and (3) identify any gaps and/or duplication of effort among the entities.

In March 2017, the OIGs found that federal, state, and local entities are committed to sharing counterterrorism information by undertaking programs and initiatives that have improved information sharing. However, several areas were identified in which improvements could

enhance the sharing of counterterrorism information: (1) Federal, state, and local entities actively involved in counterterrorism efforts must understand each other's roles, responsibilities, and contributions, especially when multiple agencies are involved in complex investigations; (2) the DHS Intelligence Enterprise--the integrated function of DHS intelligence components and programs--is not as effective and valuable to the IC as it could be; (3) DOJ can improve its counterterrorism information sharing efforts by implementing a consolidated internal DOJ strategy and evaluating the continued need and most effective utilization for the U.S. Attorneys' Offices' Anti-Terrorism Advisory Council meetings; (4) the ODNI's Domestic DNI Representative Program is hindered by large geographic regions, as well as the lack of a clear strategic vision and guidance; and (5) at the state and local level, fusion centers are focused on sustaining operations rather than enhancing capabilities due to unpredictable federal support.

The report makes 23 recommendations to the components of ODNI, DHS, and, DOJ to help improve the sharing of counterterrorism information and ultimately, enhance the government's ability to prevent terrorist attacks. The components agreed with all 23 recommendations.

3. Managing an Overcrowded Federal Prison System in an Era of Limited Budgets and Continuing Security Concerns

The Department continues to face challenges within the federal prison system. The Department projects that the costs of the federal prison system will continue to increase in the years ahead. Ultimately, this cost is consuming a large share of the Department's budget. Another challenge continues to be the significant overcrowding in the federal prisons, which potentially poses a number of important safety and security issues. The following are some examples of the OIG's oversight efforts in this critical challenge area.

Review of the Department's Implementation of the Principles regarding Prosecution and Sentencing Reform under the Smart on Crime Initiative

The OIG initiated a review of the Department's implementation of certain principles regarding prosecution and sentencing reform in the Smart on Crime initiative. The OIG will assess compliance with the Department policy on the development of prosecution priorities and the Department's revisions to its charging and sentencing policies, specifically related to charging drug quantities, implicating mandatory minimum sentences, and the application of recidivism enhancements in certain drug cases.

Review of the Department's Clemency Process

The OIG is assessing the Department's clemency process. Following the OIG's 2011 report on the Department's processing of clemency petitions, this review will focus on the period from fiscal year 2012 to 2016 and will assess the procedures utilized by the Department and the impact of the Department's new criteria for prioritizing commutation petitions.

4. Strengthening the Relationships between Law Enforcement and Local Communities through Partnership and Oversight

The Department must work through critical issues to determine how to best use its limited but substantial resources to help foster partnerships, support law enforcement efforts across the country, and ensure confidence in community-police relations. Effective policing at the state and local level contributes significantly to the success of law enforcement efforts at the federal level.

Former Police Officer Sentenced to 33 Months in Prison for Civil Rights Violations, Federal Program Theft

The OIG investigated a former Reynoldsburg Police Officer of Columbus, Ohio, who engaged in a systematic corruption in his roles as a police officer and as a supervisor. It was discovered that he conspired with another police officer (now deceased) as far back as 2006, lied to judges in search warrant affidavits in support of drug trafficking investigations, admitted to stealing cash totaling between \$150,000 and \$250,000 during and after police searches, and removed some of the stolen cash from a safe when he found out that he was being investigated.

On May 27, 2016, the court accepted the defendant's guilty pleas to one count of conspiracy to deprive persons of civil rights and one count of federal program theft. The defendant was sentenced in U.S. District Court to 33 months in prison for using his position as a police officer to deprive people of their civil rights by falsifying search warrant affidavits and unlawfully seizing money and property during drug trafficking investigations. He was fined \$40,000 and ordered to remain under court supervision for two years after the completion of his prison term. He is also required to perform four hours of community service per week while under court supervision.

Examination of DOJ Efforts to Address Police Misconduct and Provide Technical Assistance

The OIG is examining how (1) the Civil Rights Division identifies and selects potential patterns or practices of unlawful police conduct for investigation, (2) the Office of Community Oriented Policing Services and the Office of Justice Programs direct technical assistance for accountability reforms to police departments addressing concerns over alleged misconduct, and (3) these agencies coordinate their efforts and assess their results.

5. Ensuring Effective Management and Oversight of Law Enforcement Programs and Promoting Public Trust Ensuring Effective and Efficient Oversight of Law Enforcement Programs

The Department continues to be challenged in its oversight role of the vast variety of complex and evolving law enforcement issues. It is crucial that the Department ensures proper oversight of its programs while acting consistently with the protection of civil rights for American citizens. Charged with enforcing the nation's laws and defending its interests, the Department's senior officials and employees are expected to uphold the highest standards of integrity. Meeting this expectation is a key component in fulfilling the Department's crucial role in public service.

Audit of the Office on Violence against Women's Grant Awarded to Shelter from the Storm, Incorporated Island City, Oregon

In January 2017, the OIG audited the Office on Violence Against Women's (OVW) Grant Awarded to Shelter From the Storm, Incorporated (SFS), located in Island City, Oregon. The SFS was awarded \$747,262 to: (1) have designated personnel working to increase victim safety and hold abusers accountable for their crimes; (2) provide support to assist victims' healing and recovery following an incident of sexual assault, domestic violence, dating violence, and stalking; (3) enhance the ability of rural victims to access advocacy services and resources; and (4) allow victims to access professionals trained specifically in areas of sexual assault, domestic violence, dating violence, and stalking.

The objective of this audit was to determine whether costs claimed under the grant were allowable, supported, and in accordance with applicable laws; regulations, guidelines, and terms and conditions of the grant. The audit found that the SFS did not comply with essential award

requirements in four of the six areas tested and generally complied with requirements related to program performance and budget management. Weaknesses were found in the internal control environment, grant expenditures, contractor oversight, and reporting, including non-compliance with award requirements. The report questioned a total of \$351,986 and contained 11 recommendations to OVW. In response to draft audit report, OVW demonstrated proposed actions to address the recommendations, and as a result, the status of the audit report is resolved.

Findings Concerning the DEA's Use of a TSA Airport Security Screener as a Paid Confidential Source

The OIG initiated an investigation upon the receipt of information from the DEA that a Transportation Security Administration (TSA) airport Security Screener had been registered as a paid Confidential Source (CS) for the DEA. This investigation was initiated to determine whether it was appropriate for the DEA to register a TSA employee as a CS and pay the employee for providing information to the DEA that the employee obtained during the course of his official duties.

The OIG concluded that the DEA violated its policies by registering the TSA Security Screener as a CS, and by offering a reward for money seized based on information he provided, the OIG found that the TSA Security Screener did not provide DEA any actionable information while a CS, and was not paid any money by the DEA. The CS was deactivated for inability to provide any useful information. The OIG provided its report to the DEA for appropriate action.

Investigative Summary Findings of Misconduct by an FBI Senior Executive

The OIG initiated an investigation of a Federal Bureau of Investigation (FBI) senior executive based on information it received that, among other things, the executive had not properly recused herself from matters involving a contract company that employed her husband.

The OIG investigation found that the executive failed to disqualify herself from participating in matters involving the FBI contractor that employed her husband, and that she created the appearance of a conflict of interest by failing to obtain a waiver allowing such participation. The OIG also found that the executive directed subordinate employees to draft official records stating that she was recused from matters involving the contractor, when in fact she took no official action to do so, or to obtain the required waiver. Prosecution was declined.

In the course of its investigation, the OIG also found that the executive failed to report the source of her husband's earned income on annual federal ethics filings, as required by federal ethics regulations and FBI policy, over the period from 2010 through 2014. The OIG has completed its investigation and provided its report to the FBI for appropriate action.

Findings of Misconduct by an FBI Assistant Special Agent in Charge

The OIG initiated an investigation of a FBI Assistant Special Agent in Charge (ASAC) based on information it received from the FBI that the ASAC: submitted a fraudulent temporary quarters voucher for payments to which he was not entitled in connection with a transfer associated with his promotion to ASAC; attempted to defraud the FBI's relocation contractor by soliciting sham offers for the purchase of his home; and misused his official Government travel card to purchase tickets for personal air travel.

The OIG investigation found that the ASAC submitted two temporary quarters' vouchers knowing he was not entitled to the amounts requested, and that he lacked candor during meetings with his supervisors who questioned him about the claims. The OIG has completed its investigation and provided this report to the FBI and the Department of Justice, Justice

Management Division, for appropriate action, including seeking repayment of improper reimbursement for travel and temporary quarters.

Findings Concerning a Lack of Candor to the OIG by a BOP Warden

The OIG initiated an investigation based on information from an anonymous complaint alleging that the warden had engaged in misconduct. According to the complaint, BOP staff escorted several federal law enforcement agents around the electronic screening equipment at a Federal Correctional Institution in violation of BOP policy. This resulted in several of the federal agents entering the secure area of the prison with their service weapons and without the prior approval of the warden.

The OIG investigation determined that the warden was not candid or forthcoming in statements to the OIG regarding when the warden became aware of the incident. This lack of candor violated BOP policy, and potentially constituted false statements in violation of federal law. Prosecution of the warden was declined. The OIG has completed its investigation and provided its report to the BOP.

Findings of Misconduct by an FBI Unit Chief

The OIG initiated an investigation based on information from the FBI alleging that a current FBI Unit Chief engaged in misconduct by accepting from a vendor who had contracts with the FBI tickets to at least two sporting events. It was further alleged that the FBI Unit Chief, without appropriate justification, sponsored the vendor for a badge which gave the vendor unescorted access to the FBI J. Edgar Hoover (JEH) Building.

The OIG substantiated these allegations, concluding that the FBI Unit Chief attended at least two sporting events with a vendor without paying for the tickets, and that the FBI Unit Chief inappropriately sponsored a vendor for unescorted access to the FBI JEH building. The OIG discovered the following additional instances of misconduct: the FBI Unit Chief attended three vendor-sponsored presentations at sporting venues and stayed to watch the sporting events without paying for a ticket; he engaged in social activities such as golfing, going to a shooting range, and watching mixed martial arts fights with vendors; and he accepted free lunches from vendors.

The OIG investigation found that the FBI Unit Chief had no pre-existing personal association with these vendors and, therefore, his conduct violated applicable standards of ethical conduct prohibiting acceptance of gifts, giving preferential treatment, and misuse of position. The OIG further concluded that the FBI Unit Chief failed to disclose receipt of gifts on annual Confidential Financial Disclosure forms as required and lacked candor in response to OIG questioning. Prosecution was declined. The OIG provided a report of investigation to the FBI for appropriate action.

Findings of Misconduct by an Assistant U.S. Attorney

The OIG initiated an investigation upon receipt of information from the Executive Office for U.S. Attorneys (EOUSA) alleging that a supervisory Assistant United States Attorney (AUSA) obtained without authorization a disc holding thousands of personnel records of current and former USAO employees in violation of the Privacy Act and numerous DOJ policies. The AUSA was also alleged to have shared some content of the disc with another AUSA, lacked candor with her supervisor about how she obtained the disc, and copied the records from the disc after having been instructed by her supervisor to return the disc without copying it. The investigation also established that the AUSA created a table which included salary and bonus information, as well as performance and disciplinary information, of the USAO attorneys identified by their initials.

The OIG completed its investigation and has provided a report to EOUSA, and to the DOJ Office of Professional Responsibility for review and appropriate action.

6. Monitoring Department Contracts and Grants

The OIG's recent oversight work assists the Department in its efforts to ensure that taxpayer funds are protected from fraud, mismanagement, and misuse. It is essential that the Department continue to manage its resources wisely and maximize the effectiveness of its programs regardless of the Department's budget environment.

Three Plead Guilty in Multi-Million Federal Prison Sentencing Reduction Fraud Scheme
In March 2017, three defendants pled guilty in the Southern District of Florida in connection with their participation in a \$4.4 million dollar federal prison sentencing scheme. The fraudulent scheme targeted federal inmates and their families in Miami-Dade County and elsewhere by promising them assistance in obtaining a sentencing reduction in exchange for money.

According to court documents, from 2009 through September 7, 2016, the defendants and others held themselves out as owners and operators of Private Services, a company that reportedly worked with a network of informants and law enforcement personnel to identify and provide information and third party cooperation that could be credited to federal. Using aliases, the defendants targeted federal inmates and their families by promising that they could provide substantial assistance services, which would be used to help secure the early release of the inmates. In return, the defendants required relatives of the federal inmates to make periodic payments via cash, check, wire, and electronic fund transfer, in order for the third party cooperation process to supposedly be conducted.

As part of the scheme, two defendants also provided fake invoices and fraudulent documents allegedly showing agreements between various U.S. Attorney's Offices, including the Eastern District of New York and the Southern District of New York, and a company affiliated with Private Services. In fact, the agreements were fake, the prosecutors' signatures were forged, and no substantial assistance was provided on behalf of these inmates. The defendants received payments from relatives of federal inmates, and used the fraudulently obtained funds for their personal use and benefit, including the purchase of luxury automobiles, vacations, and gambling activities.

Each defendant pled guilty to a single count of conspiracy to commit mail fraud and wire fraud, in violation of Title 18, U.S.C. § 1349, in connection with their participation in the multi-year fraud scheme. In addition to the Southern District of Florida matter, two defendants also pled guilty to one count of conspiracy to commit wire fraud in a related case originally brought in the Eastern District of Texas, and subsequently transferred to Florida. The defendants each face a statutory maximum penalty of 20 years in prison as to each count.

BOP Audit on Contract with Spectrum Services Group, Inc., for Dental Services at the Federal Correctional Complex, Victorville, California

On March 2017, the OIG issued a report on the Federal Bureau of Prisons' (BOP) contract with Spectrum Services Group, Inc. (SSGi) which provided four dental assistants at the Federal Correctional Complex in Victorville, California (FCC Victorville).

The audit found that one of the four Dental Assistant positions specified in the contract was vacant for 25 of the 46 months from August 2012 through May 2016, or about 54 percent of

the time. Despite these vacancies, contracting personnel consistently rated SSGi “Very Good” during its annual evaluation, and the evaluations included no mention of the vacancies. The audit found SSGi and the BOP attributed the Dental Assistant vacancies due to the stringent BOP vetting process, the remote location of FCC Victorville, and the fact that the position was located within a federal prison. Additionally, the report questioned whether BOP adequately assessed its Dental Officer and Dental Assistant needs at FCC Victorville prior to contract solicitation and award.

The audit concluded that these staffing shortages had measurable consequences at the institution, including one out of every four inmates (or nearly 1,000 inmates) being placed on a national wait list for routine dental care as of May 2016. Some inmates have been on this wait list since 2008. Other findings included (1) numerous discrepancies and inaccuracies between the sign-in log books for contractors and the Dental Assistants’ timesheets, (2) SSGi did not comply with provisions of the Service Contract Labor Standards, and (3) BOP’s non-compliance with Federal Acquisition Regulation (FAR), including of the FAR’s requirements for retaining information submitted by the contractor during the award process.

The report made nine recommendations to the BOP that address the deficiencies identified. The BOP agreed with all nine recommendations.

BOP Audit on Reimbursement Rates for Outside Medical Care Evaluation

On June 2016, the OIG issued an audit of BOP on how they rely on outside medical services to provide care for inmates that cannot be provided by institution staff. From fiscal year (FY) 2010 to FY 2014, BOP spending for outside medical services increased 24 percent, from \$263 million to \$327 million, while BOP’s overall budget increased at less than half that rate, 11 percent, from \$6.2 billion to \$6.9 billion.

The audit found BOP spent at least \$100 million more than the Medicare rate in FY 2014 on outside medical care and further found that these 69 BOP institutions spent approximately \$241 million for outside medical care in FY 2014, but that this figure would have dropped to \$143 million, a \$98 million dollar (41 percent) decrease, if the BOP had capped its medical fees at the Medicare rate. Given that this analysis necessarily excluded more than one-quarter of the BOP’s institutions, we concluded that it was likely the BOP as a whole spent at least \$100 million more for outside medical care than the applicable rates paid by Medicare in FY 2014. We made three recommendations to assist the BOP in exploring legislative and other options for providing medically necessary care while maintaining access to providers and better controlling medical costs. The BOP concurred with the recommendations and stated that it would improve the collection and analysis of utilization data for inmate medical care to better understand the services that inmates need and the impact it has on the BOP’s medical spending.

Audit of Contract Management Deficiencies Boys and Girls Clubs of America

The OIG issued a report in September, 2016 identifying significant contract management deficiencies in the Boys and Girls Clubs of America’s (BGCA) management of 45 contracts that it awarded to subcontractors and paid for using OJP grant funds. As a result, the OIG questioned \$2.9 million—93 percent—of the \$3.1 million expended through these 45 contracts from July 2008 through September 2013. The OIG noted that the BGCA: 1) awarded all 45 contracts on a “sole source” basis, which means that the BGCA entered the contracts without first conducting an open, free, and fair contract competition. For most of these contracts, the BGCA did not sufficiently establish the need to use sole source contracting; 2) did not comply with several requirements concerning lobbying activities; 3) did not enforce the employee code of conduct for one of the BGCA’s contractors, which received \$2.5 million in contracts during the audit period;

and 4) generally retained sufficient documentation of specific billings and payments, although the audit questioned about \$75,000 in contract expenditures as unsupported or, in one instance of double billing, as unallowable. These expenditures were also questioned based on the inadequate sole-source justifications described above. The OIG made 11 recommendations to OJP to improve oversight of grant-funded contracts awarded by the BGCA, and to address the \$2.9 million in questioned costs. OJP agreed with all of them. The BGCA explicitly agreed with two recommendations in whole or in part, and either disagreed or did not explicitly agree with the remaining recommendations.

Examination of the U.S. Department of Justice's FY 2015 compliance under the Improper Payments Elimination and Recovery Act of 2010

In May 2016, the OIG examined the Department to determine compliance with the requirements, as set forth in OMB Circular A-123, Appendix C; and OMB Circular A-136. The examination was comprised of the OIG gaining an understanding of the Department and component-level controls through inquiry procedures, a review of documentation supporting the information published in the Department's Agency Financial Report, as well as re-performance of calculations computed by the Department. We found that the Department complied, in all material respects, with requirements for the fiscal year ended September 30, 2015.

Administration of the September 11th Victim Compensation Fund

The OIG is conducting an audit with the preliminary objective of reviewing DOJ's administration of the September 11th Victim Compensation Fund, which was re-authorized by the James Zadroga 9/11 Health and Compensation Act of 2010. Title II of the Act reactivated the 9/11 Victim Compensation Fund of 2001, provided an additional \$2.8 billion to compensate claimants, and added new categories of beneficiaries for the fund, including individuals with health conditions that took a long period to develop. As part of this audit, the OIG is reviewing how the Civil Division and the Special Master manage the fund, as well as how JMD supports the Victim Compensation Fund operations through legal and administrative contracts.

7. Using Performance-Based Management to Improve DOJ Programs

Performance-based management has been a long-standing challenge not only for the Department but across the entire federal government. Office of Management and Budget (OMB) Circular No. A-11 and the Government Performance and Results Modernization Act (GPRA Modernization Act) place a heightened emphasis on priority-setting, cross-organizational collaboration to achieve shared goals, and the use and analysis of goals and measurements to improve outcomes. A significant management challenge for the Department is ensuring, through performance-based management, that its programs are achieving their intended purposes. The OIG will ensure that the Department is effectively implementing performance-based management and taking actions to meet the requirements of the GPRA Modernization Act.

Federal Bureau of Prisons Release Preparation Program

The OIG issued a report in August 2016 on the BOP's Release Preparation Program (RPP), which, among other objectives, seeks to reduce recidivism. When former inmates recidivate and must be re-arrested, it strains DOJ resources and adds to the social costs in communities into which the inmates were released. The OIG identified weaknesses in the RPP's implementation that can hinder inmates' successful re-transition into society. BOP policy does not provide a nationwide RPP curriculum, which led to widely inconsistent curricula, content, and quality among RPP courses. The BOP does not systematically identify specific inmate needs, which is left to institutions' discretion. The OIG also determined that, given few incentives, less than a third of inmates required to participate in the RPP actually complete it. The BOP also does not

fully leverage its relationships with other federal agencies and BOP institutions must contact local offices to advocate for services for inmates. In the OIG's judgment, the BOP could take advantage of its memberships in national reentry forums to develop national agreements and facilitate consistent access to information and services for inmates. Additionally, the OIG found that the BOP does not collect comprehensive re-arrest data on former inmates, has no performance metrics to gauge the RPP's effectiveness, and does not attempt to link the RPP to recidivism. The report made seven recommendations to improve the RPP's effectiveness, and the BOP agreed with all of them.

8. Whistleblower Ombudsperson

The OIG's Whistleblower program continues to be an important source of information regarding waste, fraud, and abuse within the Department, and to perform an important service by allowing Department employees to come forward with such information. As publicity about retaliation against whistleblowers from across the federal government continues to receive widespread attention, it is particularly important that the Department act affirmatively to ensure that whistleblowers feel protected and, indeed, encouraged to come forward.

The OIG plays a pivotal and particularly labor-intensive role in fielding and investigating, under the FBI Whistleblower Statute (5 U.S.C. § 2303) and the FBI Whistleblower Regulations (28 C.F.R. Part 27), allegations of whistleblower retaliation against FBI employees. If a retaliation complaint states a cognizable claim, the OIG investigates the allegations "to the extent necessary to determine whether there are reasonable grounds to believe that a reprisal has been or will be taken" for a protected disclosure. 28 C.F.R. § 27.3(d). The OIG has 240 days to make this determination unless granted an extension by the complainant. *Id.* § 27.3(f).

The OIG is partnering with the FBI in the development of specialized training that will highlight the particular requirements applicable to FBI employees. Aggressive OIG efforts to enhance FBI employees' awareness of their rights will likely increase the number of whistleblower retaliation complaints this office receives each year. Protecting whistleblower rights has been one of the Inspector General's highest priorities since he took office. Unfortunately, with limited resources and staffing we have had to go beyond deadlines and obtain extensions from whistleblowers, further delaying the investigation and ultimate resolution of these cases.

From April 1, 2016, through March 31, 2017, the OIG received 39 new FBI whistleblower retaliation complaints, and opened investigations on nine of them. We believe that the numbers will only continue to increase as there is increased focus on whistleblowers in general.

The OIG also continues to utilize the tracking system developed through the OIG Ombudsperson Program to ensure that it is handling these important matters in a timely manner. The OIG continuously enhances the content on its public website, oig.justice.gov. The table below, pulled from our *Semiannual Report to Congress, April 1, 2016 – September 30, 2016*, presents important information.

Whistleblower Program
April 1, 2016 – September 30, 2016

Employee complaints received ¹	262
Complainants asserting to be whistleblowers ²	17
Employee complaints opened for investigation by the OIG	81
Employee complaints that were referred by the OIG to the components for investigation	122
Employee complaint cases closed by the OIG ³	98

The OIG continues to refine its internal mechanisms to ensure that the OIG is promptly reviewing whistleblower submissions and communicating with those who come forward with information in a timely fashion.

9. Congressional Testimony

Since February 2016, the Inspector General and Deputy Inspector General testified before Congress on the following occasions:



- “Examining Systemic Management and Fiscal Challenges within the Department of Justice” before the U.S. House of Representatives Committee on the Judiciary on March 21, 2017
- “A Review of Investigations of the Osorio and Barba Firearms Trafficking Rings” before the U.S. House of Representatives Committee on Oversight and Government Reform on March 9, 2017
- “Five Years Later: A Review of the Whistleblower Protection Enhancement Act” before the U.S. House of Representatives Committee on Oversight and Government Reform, Subcommittee on Government Operations on February 1, 2017

¹ Employee complaint is defined as an allegation received from whistleblowers, defined broadly as complaints received from employees and applicants with DOJ, or its contractors, subcontractors, or grantees, either received directly from the complainant by the OIG Hotline, the field offices, or others in the OIG, or from a DOJ component if the complaint otherwise qualifies and is opened as an investigation.

² These complainants may or may not qualify as whistleblowers under relevant laws.

³ This number reflects cases closed during the reporting period regardless of when they were opened.

- “Empowering the Inspectors General” Oversight and Government Reform on February 1, 2017
- “Oversight of DEA’s Confidential Source Program” before the U.S. House of Representatives Committee on Oversight and Government Reform on November 30, 2016
- “New Orleans: How the Crescent City Became a Sanctuary City” before the U.S. House of Representatives Committee on the Judiciary, Subcommittee on Immigration and Border Security on September 27, 2016
- “The Department of Justice Office of Justice Programs’ Grant Management” before the U.S. House of Representatives Committee on Oversight and Government Reform, Subcommittee on Government Operations on July 14, 2016
- “Firearms and Munitions at Risk: Examining Inadequate Safeguards” before the U.S. House of Representatives Committee on Oversight and Government Reform concerning on July 6, 2016
- “Oversight of the Drug Enforcement Administration” before the U.S. Senate Committee on the Judiciary on June 22, 2016
- “The Need for More Timeliness and Transparency: Oversight of the Public Safety Officers’ Benefits (PSOB) Program” before the U.S. Senate Committee on the Judiciary on April 26, 2016
- “Compassionate Release and the Conditions of Supervision” before the U.S. Sentencing Commission on February 17, 2016

10. Support for the Department’s Savings and Efficiencies Initiatives

In support of the DOJ’s SAVE initiatives, the OIG contributed to the Department’s cost-saving efforts in FY 2017, including:

- *Increasing the use of self-service online booking for official travel.* The OIG’s online booking rate at the end of the second quarter of FY 2017 official travel was 91%, for estimated savings of \$13 thousand over agent-assisted ticketing costs.
- *Using non-refundable fares rather than contract fares or non-contract refundable fares (under appropriate circumstances).* Through March 2017, the OIG realized cost savings of more than \$5 thousand by using non-refundable tickets.
- *Increased use of video conferencing.* The OIG saved training and travel dollars, as well as productive staff time while in travel status, by utilizing increased video teleconferencing for all applicable OIG-wide training.

Getting the most from taxpayer dollars requires ongoing attention and effort. The OIG continues to look for ways to use its precious resources wisely and to examine how it does business to further improve efficiencies and reduce costs.

E. Challenges

Like other organizations, the OIG must confront a variety of internal and external challenges that affect its work and impede progress towards achievement of its goals. These include the decisions Department employees make while carrying out their numerous and diverse duties, which affects the number of allegations the OIG receives; Department support for the OIG's mission; and financial support from the OMB and Congress.

The limitation on the OIG's jurisdiction has also been an ongoing impediment to strong and effective independent oversight over agency operations. While the OIG has jurisdiction to review alleged misconduct by non-lawyers in the Department, it does not have jurisdiction over alleged misconduct committed by Department attorneys when they act in their capacity as lawyers—namely, when they are litigating, investigating, or providing legal advice. In those instances, the *Inspector General Act* grants exclusive investigative authority to the Department's OPR office. As a result, these types of misconduct allegations against Department lawyers, including any that may be made against the most senior Department lawyers (including those in Departmental leadership positions), are handled differently than those made against agents or other Department employees. The OIG has long questioned this distinction between the treatment of misconduct by attorneys acting in their legal capacity and misconduct by others. This disciplinary system cannot help but have a detrimental effect on the public's confidence in the Department's ability to review misconduct by its own attorneys.

The OIG's greatest asset is its highly dedicated personnel, so strategic management of human capital is paramount to achieving organizational performance goals. In the prior fiscal years, the OIG was very successful in recruiting and hiring high quality talent to fulfill its staffing complement. In this competitive job market, the OIG must make every effort to maintain and retain its talented workforce. The OIG's focus on ensuring that its employees have the appropriate training and analytical and technological skills for the OIG's mission will continue to bolster its reputation as a premier federal workplace, and improve retention and results. The length of time it takes to conduct more complex audits, investigations, and reviews is directly impacted by the number of experienced personnel the OIG can devote to these critical oversight activities.

II. Summary of Program Changes

The Office of the Inspector General has no program changes to submit in the FY 2018 Congressional Justification.

III. Appropriations Language and Analysis of Appropriations Language

The appropriation language states the following for the Office of the Inspector General:

For necessary expenses of the Office of Inspector General, [\$93,531,000] \$95,328,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

A. Analysis of Appropriations Language

No substantive changes

IV. Program Activity Justification

A. Audits, Inspections, Investigations and Reviews

OIG	Direct Pos.	Direct FTE	Amount
2016 Enacted	474	455	\$93,709,000
2017 Continuing Resolution	474	455	\$93,531,000
Adjustment to base and Technical Adjustments	0	0	\$1,797,000
2018 Current Services	470	451	\$95,328,000
2018 Request	470	451	\$95,328,000
Total Change 2017-2018	-4	-4	\$1,797,000

OIG <i>Information Technology Breakout</i>	Direct Pos.	Direct FTE	Amount
2016 Enacted	12	12	\$6,597,000
2017 Continuing Resolution	18	18	\$8,519,000
Adjustments to Base and Technical Adjustments	0	0	\$758,000
2018 Current Services	18	18	\$9,277,000
2018 Request	18	18	\$9,277,000
Total Change 2017-2018	0	0	\$758,000

B. Program Description

The OIG operates as a single decision unit encompassing audits, inspections, investigations, and reviews.

C. Performance and Resource Tables

Decision Unit: OIG/Audits, Inspections, Investigations, and Reviews										
DOJ Strategic Plan: Strategic Objective 2.6: Protect the federal fisc and defend the interests of the United States.										
OIG General goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.										
WORKLOAD/RESOURCES	Budget		Actual		Budget		Change		Reimbursable (FTE)	
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FY 2019 Request	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	455	\$93,709 [\$11,484]	455	\$93,551	455	\$93,551 [\$12,150]	(4)	\$1,797 \$550	451	\$95,328 [\$12,700]
Performance Measure										
Number of Cases Opened per 1,000 DOJ employees:										
Fraud*							0.42			
Bribery*							0.15			
Rights Violations*							0.14			
Sexual Crimes*							0.21			
Official Misconduct*							1.17			
Other**							0.11			
Workload										
Investigations closed							312		310	310
Integrity Briefings/Presentations to DOJ employees and other stakeholders							83		80	80
DOJ employees and stakeholders at Integrity Briefings							3,799		3,500	3,500
*Indicators for which the OIG only reports actuals.										

Decision Unit: OIG/Audits, Inspections, Investigations, and Reviews DOI Strategic Plan: Strategic Objective 2.6: Protect the federal fisc and defend the interests of the United States. OIG General Goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.					
Workload/Resources	Actual	Proposed	Changes	Performance (Fiscal)	Performance (Social)
	FY 2016 FTE \$000 455 \$93,709 (\$11,484)	FY 2017 FTE \$000 455 \$93,531 (\$12,150)	Current Services Adjustment and FY 2017 Disposition Changes FTE \$000 (4) \$1,797 \$550	FY 2016 FTE \$000 455 \$93,709 (\$11,484)	FY 2017 FTE \$000 451 \$95,328 (\$12,700)
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)					
Performance Measure					
Intermediate Outcome Percentage of BOP Investigations closed or referred for prosecution within 6 months of being opened (Refined Measure)**	75%	75%		75%	75%
Number of closed Investigations substantiated*	*	*		*	*
Arrests *	196	196		196	196
End Outcome Convictions *	91	91		91	91
Administrative Actions *	88	88		88	88
Response to Customer Surveys:					
Report completed in a timely manner (%)	90%	90%		90%	90%
Issues were sufficiently addressed (%)	90%	90%		90%	90%

* Indicators for which the OIG only reports actuals.

DOJ Strategic Plan: Strategic Objective 2.6: Protect the Federal Inse and defend the interests of the United States.

OIG General Goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.

Investigative Data Management System (IDMS) - Verification, Validation, and Limitations

- A. Data Definition:**
- The OIG does not project targets and only reports actuals for workload measures; the number of closed investigations substantiated, arrests, convictions, and administrative actions. The number of convictions and administrative actions are not subsets of the number of closed investigations substantiated.
- B. Data Sources, Validation, Verification, and Limitations:**
- The Investigations Data Management System (IDMS) - consists of a web-based relational database system. It's a case management system. The database administrator runs routine maintenance programs against the database. Database maintenance plans are in place to examine the internal physical structure of the database, backup the database and transaction logs, handle index tunings, manage database alerts, and repair the database if necessary. Currently, the general database backup is scheduled nightly and the transaction log is backed up in 3 hour intervals. We have upgraded to a web based technology.
- Investigations Division Report of Investigation (ROI) Tracking System - a web-based SQL-Server application that tracks all aspects of the ROI lifecycle. The ROI and Abbreviated Report of Investigation (AROI) are the culmination of OIG investigations and are submitted to DOJ components. These reports are typically drafted by an agent and go through reviews at the Field Office and at Headquarters levels before final approval by Headquarters. The ROI Tracking System reads data from IODS. By providing up-to-the-minute ROI status information, the Tracking System is a key tool in improving the timeliness of the Division's reports. The ROI Tracking System also documents the administration of customer satisfaction questionnaires sent to completed investigative reports' respondents and updates historical data. The system captures descriptive information as well as questionnaire responses. Descriptive information includes the case number, dates, and status. The system also captures and reports on the number of responses received, the database records responses to several open-ended questions seeking more information on deficiencies noted by respondents and whether or not the responses were reviewed by Headquarters personnel. No data validation tools, such as double key entry, are used though responses are entered through a custom form in an effort to ease input and reduce errors.
- Investigations Division Investigative Activity Report - Most of the data for this report is collected in IDMS. The use of certain investigative techniques and integrity briefing activities are also tracked externally by appropriate Headquarters staff.

- C. FY 2016 Performance Report:**
- "Investigations Closed," the OIG has plans to focus on more complex and document-intensive cases (e.g., grant and contract fraud) that require more in-depth financial and forensic analysis. The OIG is also diversifying its caseload to extend more investigative coverage to other Department components.

Decision Unit/Program: OIG/Audits, Inspections, Investigations, and Reviews	PERFORMANCE MEASURE TABLE (Goal 1)					
	DOJ Strategic Plan: Strategic Objective 2.6: Protect the federal fisc and defend the interests of the United States.					
DOJ General Goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.						
Performance Measure Report	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Workload	Actuals	Actuals	Actuals	Actuals	Target	Target
Number of Cases Opened per 1,000 DOJ employees:						
Fraud*	0.51	0.63	0.67	0.47	*	0.42
Bribery*	0.20	0.16	0.15	0.10	*	0.13
Rights Violations*	0.17	0.13	0.13	0.14	*	0.14
Sexual Crimes**	0.33	0.35	0.43	0.39	*	0.31
Official Misconduct*	1.33	1.39	1.39	1.19	*	1.17
Theft*	0.22	0.22	0.10	0.17	*	0.11
Investigations closed	361	366	402	357	310	310
Integrity Briefings and Presentations to DOJ employees and other stakeholders	134	85	91	82	80	80
DOJ employees and stakeholders attending Integrity Briefings	7,200	3,710	4,732	3,975	3,500	3,500
Intermediate Outcome						
Percentage of Investigations closed or referred for prosecution within 6 months**	71%	72%	71%	76%	75%	83%
Number of closed Investigations substantiated (OSR Measure)*	215	222	243	226	*	196
Arrests*	90	86	84	96	*	91
End Outcomes						
Convictions*	94	63	88	73	*	88
Administrative Actions	192	266	219	225	*	251
Response to Customer Surveys:						
Report completed in a timely manner (%)	100%	100%	95%	90%	90%	90%
Issues were sufficiently addressed (%)	100%	99%	99%	90%	90%	90%

* Indicators for which the OIG only reports actuals.

Decision Unit: OIG Audits, Inspections, Investigations, and Reviews						
DOJ Strategic Plan: Strategic Objective 2.6: Protect the federal fisc and defend the interests of the United States.						
OIG General Goal #2: Promote the efficiency and effectiveness of Department programs and operations.						
WORKLOAD/RESOURCES	Actual		Changes		Request	
	FY 2015 EIE	FY 2015 EIE	FY 2015 EIE	Current Services Adjustment and FY 2015 Program Changes EIE	FY 2015 EIE	
Total Costs and FTE (Reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total.)	\$000 455	\$000 \$93,709 (\$11,484)	\$000 455	\$000 \$93,531 (\$12,150)	\$000 451	\$000 \$95,328 (\$12,700)
Performance Measure						
Workload						
Audit and E&I assignments initiated	92		109	92	92	92
Percent of Audit CSITAO* resources devoted to security reviews of major Dept. information systems	80%		97%	80%	80%	80%
Percent of internal DOJ audit assignments that assess component performance measures	18%		67%	18%	18%	18%
Percentage of E&I assignments opened and initiated during the fiscal year devoted to Top Management Challenges	70%		86%	70%	70%	70%
Percent of direct resources devoted to audit products related to Top Management Challenges, and GAO and JMD-identified High-Risk Areas	80%		95%	85%	85%	85%
Intermediate Outcomes						
Audit and E&I assignments completed	87		98	87	87	87

*Computer Security & Information Technology Audit Office

PERFORMANCE MEASURES TABLE (Goal 3)									
Decision Unit: OIG/Audits, Inspections, Investigations, and Reviews									
DOJ Strategic Plan: Strategic Objective 7.6: Protect the Federal fisc and defend the interests of the United States.									
OIG General Goal #2: Promote the efficiency and effectiveness of Department programs and operations.									
DOJ OIG/DOJ/ISSUANCES									
Performance Measure	Actual		Target		Current Strategic Adjustment Target		Challenge		Priority
	FTE	\$K00	FTE	\$K00	FTE	\$K00	FTE	\$K00	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	45	\$93,709	45	\$800	45	\$93,531	45	\$1,297	45
		(\$11,985)				(\$12,150)		\$520	
Performance Measure									
Intermediate Outcomes									
Percent of Audit resources devoted to reviews of grants and grant management*	35%		40%		35%				NA
Percent of Audit resources devoted to reviews of contracts and contract management	10%		14%		10%				10%
Components receiving information system audits	5		9		6				6
Percentage of products issued to the Dept. containing significant findings or information for management decision-making by Audit and ISU	92%		100%		92%				92%
Percent of less complex internal DOJ reviews to be provided to the IG as a working draft within an average of 8 months**	35%		0%		35%				35%
Percent of more complex internal DOJ reviews to be provided to the IG as a working draft within an average of 11 months***	35%		71%		106%				106%
Percent of grant, CODIS, equitable sharing, Intra Government Agreements, and other external audits to be completed in draft within 8 months	50%		50%		50%				50%
Percent of less complex internal DOJ audits to be provided to the IG as a working draft within 8 months	40%		100%		40%				40%
Percent of more complex internal DOJ audits to be provided to the IG as a working draft within 15 months	45%		73%		45%				45%

* Beginning in FY 2019 this measure will no longer be used
 ** This measure will no longer be used. We will refine our measure beginning in FY 2019 on "more complex" reviews to reflect all review reports with a deadline of 12 months.
 *** This measure will be refined in FY 2019 to reflect all reviews with a deadline of 12 months.

**PERFORMANCE AND RESOURCES TABLE (Goal 3)
(continued)**

Decision Unit: **OIG/Audits, Inspections, Investigations, and Reviews**

DOI Strategic Plan: **Strategic Objective 2.6: Project the federal fisc and defend the interests of the United States.**

OIG General Goal #2: **Promote the efficiency and effectiveness of Department programs and operations.**

Data Definition, Validation, Verification, and Limitations:

A. Data Definitions:

"Assignment" covers all audits (including internal, CFO Act, and external, but not Single Audits), evaluations, and inspections. "Assignments" may also include activities that do not result in a report or product (e.g., a memorandum to file rather than a report); or reviews initiated and then cancelled.

B. Data Sources, Validation, Verification, and Limitations:

Project Resolution and Tracking (PRT) system- PRT was implemented on April 18, 2011; this OIG system was designed to track audits, evaluations, and reviews from initiation to completion, including the status of recommendations. The system provides senior management with the data to respond to information requests and track and report on current status of work activities.

C. FY 2016 Performance Report: N/A

PERFORMANCE MEASURE TABLE (Goal 2)												
Decision Unit/Program: OIG/Audits, Investigations, and Reviews												
DOJ Strategic Plan: Strategic Objective 2.6: Protect the federal fisc and defend the interests of the United States.												
OIG General Goal #2: Promote the efficiency and effectiveness of Department programs and operations.												
Performance Measure Report	FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2018	
	Actuals	Target	Actuals	Target	Actuals	Target	Actuals	Target	Actuals	Target	Actuals	Target
Audit and E&I assignments initiated	115	103	94	106	92	109	92	109	92	92	92	92
Percent of Audit CSITAO resources devoted to security reviews of major Dept. information systems	97%	75%	98%	88%	80%	97%	80%	97%	80%	80%	80%	80%
Percent of Internal DOJ audit assignments that assess component performance measures	42%	40%	47%	42%	18%	67%	18%	67%	18%	18%	18%	25%
Percentage of E&I assignments opened and initiated during the fiscal year devoted to Top Management Challenges.	NA	NA	89%	80%	70%	86%	70%	86%	70%	70%	70%	70%
Percent of direct resources devoted to audit products related to Top Management Challenges, and GAO and JMD-identified High-Risk Areas	93%	96%	96%	96%	80%	95%	80%	95%	80%	85%	85%	85%
Intermediate Outcome												
Audit and E&I Assignments completed	109	117	104	109	87	98	87	98	87	87	87	87
Percent of Audit resources devoted to reviews of grants and grant management*	42%	40%	54%	43%	35%	40%	35%	40%	35%	35%	35%	35%
Percent of Audit resources devoted to reviews of contracts and contract management	NA	NA	NA	13%	10%	14%	10%	14%	10%	10%	10%	10%
Components receiving information system audits	11	6	9	8	5	9	6	9	6	6	6	6
Percentage of products issued to the Dept. containing significant findings or information for management decision-making by Audit and E&I	NA	NA	NA	100%	92%	100%	92%	100%	92%	92%	92%	92%
Percent of less complex Internal DOJ reviews to be provided to the IG as a working draft within an average of 8 months**	NA	NA	100%	100%	35%	0%	35%	0%	35%	35%	35%	35%
Percent of more complex Internal DOJ reviews to be provided to the IG as a working draft within an average of 11 months***	NA	NA	NA	71%	35%	71%	35%	71%	35%	35%	35%	35%
Percent of grant, COOIS, equitable sharing, Intra Government Agreements, and other external audits to be completed in draft within 8 months	NA	NA	NA	58%	50%	50%	50%	50%	50%	50%	50%	50%
Percent of less complex Internal DOJ audits to be provided to the IG as a working draft within 8 months	NA	NA	NA	40%	40%	100%	40%	100%	40%	40%	40%	40%
Percent of more complex Internal DOJ audits to be provided to the IG as a working draft within 15 months	NA	NA	NA	83%	45%	73%	45%	73%	45%	45%	45%	45%

* Beginning in FY 2018 this measure will no longer be used.
 **This measure will no longer be used. We will refine our measure beginning in FY 2019 on "more complex" reviews to reflect all review reports with a deadline of 12 months.
 ***This measure will be refined in FY 2019 to reflect all reviews with a deadline of 12 months.

D. Performance, Resources, and Strategies

1. Performance Plan and Report for Outcomes

As illustrated in the preceding Performance and Resources Tables, the OIG helps the Department achieve its strategic goals and promotes efficiency, integrity, economy, and effectiveness through conduct of its audits, inspections, investigations, and reviews. For the Department's programs and activities to be effective, Department personnel, contractors, and grantees must conduct themselves in accordance with the highest standards of integrity, accountability, and efficiency. The OIG investigates alleged violations of criminal and civil laws, regulations, and ethical standards arising from the conduct of the Department's employees in their numerous and diverse activities.

The OIG continues to review its performance measures and targets, especially in light of the changing nature of the cases it investigates and the Department programs it audits and reviews. Today's work is much more complex and expansive than it was only a few years ago. The number of documents to be reviewed, the number of people to interview, the amount of data to examine, and the analytical work involved in many OIG products are significantly greater than in prior years. The OIG ensures sufficient time and resources are devoted to produce high-quality, well-respected work.

2. Strategies to Accomplish Outcomes

The OIG will devote all resources necessary to investigate allegations of bribery, fraud, abuse, civil rights violations, and violations of other laws and procedures that govern Department employees, contractors, and grantees, and will develop cases for criminal prosecution and civil and administrative action. The OIG will continue to use its audit, inspection, evaluation, and attorney resources to review Department programs or activities identified as high-priority areas in the Department's Strategic Plan, and focus its resources to review the Department's Top Management and Performance Challenges.

V. Program Increases by Item

The Office of the Inspector General has no program increases to submit in the FY 2018 Congressional Justification.

VI. Program Offsets by Item

The Office of the Inspector General has no program offsets to submit in the FY 2018 Congressional Justification

VII. APPENDIX

Statistical Highlights

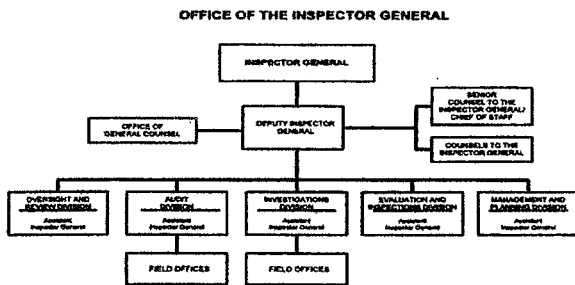
April 1, 2016 – September 30, 2016

The following table summarizes Office of the Inspector General (OIG) activities discussed in our most recent *Semiannual Report to Congress*. As these statistics and the following highlights illustrate, the OIG continues to conduct wide-ranging oversight of Department of Justice (Department) programs and operations.

April 1, 2016 – September 30, 2016	
Allegations Received by the Investigations Division ¹	5,975
Investigations Opened	153
Investigations Closed	172
Arrests	44
Indictments/Information	36
Convictions/Pleas	45
Administrative Actions	146
Monetary Recoveries ²	\$921,608.49
Audit Reports Issued	30
Questioned Costs	\$5,379,976
Funds for Better Use	\$1,326,705
Recommendations for Management Improvements	170
Single Audit Act Reports issued	38
Questioned Costs	\$560,230
Recommendations for Management Improvements	68
Other Audit Division Reports Issued	2

A. Organizational Chart

Organizational Chart
Office of the Inspector General



Approved by Michael M. [Signature] on 9/27/12
Inspector General

B. Summary of Requirements

Summary of Requirements
Office of the Inspector General
Salaries and Expenses
(Dollars in Thousands)

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted 1/	474	455	93,709
Total 2016 Enacted	474	455	93,709
2017 Continuing Resolution	474	455	93,709
2017 Rescission - 0.1901%	0	0	-178
Total 2017 Continuing Resolution	474	455	93,531
Base Adjustments			
Pay and Benefits	-4	-4	1,471
Domestic Rent and Facilities	0	0	276
Other Adjustments	0	0	50
Total Base Adjustments	-4	-4	1,797
Total Technical and Base Adjustments	-4	-4	1,797
2018 Current Services	470	451	95,328
2018 Total Request	470	451	95,328
2017 - 2018 Total Change	-4	-4	1,797

^{1/} FY 2016 FTE is actual

Summary of Requirements
Office of the Inspector General
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted			FY 2017 Continuing Resolution			FY 2018 Technical and Base Adjustments			FY 2018 Current Services		
	Positions	Actual FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
OIG Audits, Inspections, Investigations, and Reviews	474	434	93,709	474	434	93,531	-4	-4	1,797	470	430	95,328
Total Direct	474	434	93,709	474	434	93,531	-4	-4	1,797	470	430	95,328
Balance Rescission			0			0			0			0
Total Direct with Rescission			93,709			93,531			1,797			95,328
Reimbursable FTE					21			0				21
Total Direct and Reimb. FTE		455			455			-4			451	
Other FTE												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		455			455			-4			451	

Program Activity	2018 Increases			2018 Offsets			2018 Request		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
OIG Audits, Inspections, Investigations, and Reviews	0	0	0	0	0	0	470	430	95,328
Total Direct	0	0	0	0	0	0	470	430	95,328
Balance Rescission			0			0			0
Total Direct with Rescission			0			0			95,328
Reimbursable FTE		0			0			21	
Total Direct and Reimb. FTE		0			0			451	
Other FTE									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		0			0			451	

C. Program Changes by Decision Unit

FY 2018 Program Increases/Offsets by Decision Unit

Office of the Inspector General
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	OIG Audits, Inspections, Investigations, and Reviews				Total Increases			
		Positions	Agt./Atty.	Est. FTE	Amount	Positions	Agt./Atty.	Est. FTE	Amount
No Program Increase									
Total Program Increases									

Program Offsets	Location of Description by Program Activity	OIG Audits, Inspections, Investigations, and Reviews				Total Offsets			
		Positions	Agt./Atty.	Est. FTE	Amount	Positions	Agt./Atty.	Est. FTE	Amount
No Program Offsets									
Total Program Offsets									

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Office of the Inspector General

Salaries and Expenses

(Dollars in Thousands)

	Positions	Estimate	Amount
		FTE	
Pay and Benefits			
1 2018 Pay Raise - 1.9% This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount request, \$791, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$538 for pay and \$253 for benefits.)	0	0	791
2 Annualization of 2017 Pay Raise - 2.88% This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88% included in the 2017 Appropriation. The amount requested \$389, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$ 265 for pay and \$124 for benefits).	0	0	389
3 Health Insurance Effective January 2018, the component's contribution to Federal employees' health insurance increases by 7.2% percent. Applied against the 2017 estimate of \$3444, the additional amount required is \$248.	0	0	248
4 Position Rightsizing Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	-4	-4	0
5 Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$43 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	43
Subtotal, Pay and Benefits	-4	-4	1,471
Domestic Rent and Facilities			
1 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 \$276 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.	0	0	276
Subtotal, Domestic Rent and Facilities	0	0	276
Other Adjustments			
1 Security Investigations Security investigations provide information that will ensure appropriate identity proofing and permit a determination as to whether or not employment of the individual is clearly consistent with the interests of the OIG and the efficiency of service.	0	0	50
Subtotal, Other Adjustments	0	0	50
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-4	-4	1,797

Crosswalk of 2016 Availability
Office of the Inspector General
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover	Recoveries/Refunds	FY 2016 Availability		
	Position s	Actual FTE	Amount	Position s	Actual FTE	Amount	Amount	Amount	Position s	Actual FTE	Amount
OIG Audits, Inspections, Investigations, and Reviews	474	434	93,709	0	0	0	0	0	474	434	93,709
Total Direct	474	434	93,709	0	0	0	0	0	474	434	93,709
Balance Rescission			0				0	0			0
Total Direct with Rescission			93,709				0	0			93,709
Reimbursable FTE		21			0						21
Total Direct and Reimb. FTE		455			0						455
Other FTE:											
LEAP FTE		0			0						0
Overtime		0			0						0
Grand Total, FTE		455			0						455

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
 Office of the Inspector General
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution			Reprogramming/Transfers			Carryover Amount	Recoveries/Refunds Amount	FY 2017 Availability		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount			Positions	Est. FTE	Amount
OIG Audits, Inspections, Investigations, and Reviews	474	434	93,531	0	0	0	0	0	474	434	93,531
Total Direct	474	434	93,531	0	0	0	0	0	474	434	93,531
Balance Rescission			0			0	0	0			0
Total Direct with Rescission			93,531			0	0	0			93,531
Reimbursable FTE		21			0						21
Total Direct and Reimb. FTE		455			0						455
Other FTE:											
LEAP FTE		0			0						0
Overtime		0			0						0
Grand Total, FTE		455			0						455

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources
Office of the Inspector General
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Asset Forfeiture Fund	2	2	1,081	2	2	1,076	2	2	1,091	0	0	15
Council of the IGs on Integrity and Efficiency	0	0	159	0	0	233	0	0	131	0	0	-102
Court Services and Offender Supervision	0	0	0	0	0	55	0	0	0	0	0	-55
Working Capital Fund	7	7	1,987	7	7	1,938	7	7	1,968	0	0	30
Federal Bureau of Investigation	2	2	1,232	2	2	1,563	2	2	1,988	0	0	23
Federal Prison Industries	2	2	1,034	2	2	1,048	2	2	1,052	0	0	14
Federal Prison System	2	2	870	2	2	890	2	2	911	0	0	21
Central Intelligence Agency	0	0	0	0	0	30	0	0	0	0	0	-30
Offices, Boards, and Divisions	6	6	5,241	6	6	5,317	6	6	5,394	0	0	77
Crime Victims Fund	0	0	10,000	0	0	10,000	0	0	10,000	0	0	0
Budgetary Resources	21	21	21,494	21	21	22,150	21	21	22,143	0	0	-7

Obligations by Program Activity	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
OIG Audits, Inspections, Investigations, and Reviews	21	21	11,484	21	21	12,150	21	21	12,143	0	0	-7
Crime Victims Fund	0	0	10,000	0	0	10,000	0	0	10,000	0	0	0
Budgetary Resources	21	21	21,484	21	21	22,150	21	21	22,143	0	0	-7

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
 Office of the Inspector General
 Salaries and Expenses
 (Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolutions		FY 2018 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATGs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Miscellaneous Operations (001-099)	6	0	6	0	0	0	0	6	0
Security Specialists (080)	3	0	3	0	0	0	0	3	0
Personnel Management (0200-0280)	7	0	7	0	0	0	0	7	0
Clerical and Office Services (0300-0399)	160	3	160	3	0	0	0	160	3
Accounting and Budget (500-599)	85	11	85	11	0	0	0	95	11
Paralegals / Other Law (900-999)	5	0	5	0	0	0	0	5	0
Attorneys (905)	30	0	30	0	0	0	0	30	0
Operations Research Analyst	2	0	2	0	0	0	0	2	0
Misc Inspectors/Investigative Assistants (180?)	9	0	9	0	0	0	0	9	0
Criminal Investigative Series (1811)	139	0	139	0	0	0	0	139	0
Information Technology Mgmt. (2210-2299)	18	7	18	7	0	0	0	18	7
Others	0	0	0	0	-4	0	0	-4	0
Total	474	21	474	21	-4	0	0	470	21
Headquarters Washington D.C.	228	21	228	21	-2	0	0	226	21
US Fields	246	0	246	0	-2	0	0	244	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	474	21	474	21	-4	0	0	470	21

J. Financial Analysis of Program Changes

Financial Analysis of Program Changes

Office of the Inspector General
Salaries and Expenses
(Dollars in Thousands)

Grades	Total Program Changes	
	Positions	Amount
No grades		
Total Positions and Annual Amount	0	0
Lapse (-)		
11.5 - Other personnel compensation		
Total FTEs and Personnel Compensation	0	0
No BOCs		
Total Program Change Requests	0	0

K. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Office of the Inspector General
Salaries and Expenses
(Dollars in Thousands)

Object Class	FY 2016 Actual		FY 2017 Continuing		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Resolution		Direct FTE	Amount	Direct FTE	Amount
			Direct FTE	Amount				
11.1 - Full-time permanent	434	45,225	434	47,256	430	46,558	-4	-698
11.3 - Other than full-time permanent	0	1,540	0	1,113	0	1,128	0	15
11.5 - Other personnel compensation	0	3,742	0	3,660	0	3,770	0	110
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	0	0	0	0	0	0	0
Total	434	50,507	434	52,029	430	51,456	-4	-573
Other Object Classes								
12.1 - Civilian personnel benefits		19,466		19,046		19,065	0	19
13.0 - Benefits for former personnel		3		20		20	0	0
21.0 - Travel and transportation of persons		1,719		2,100		2,130	0	30
22.0 - Transportation of things		18		145		151	0	6
23.1 - Rental payments to GSA		9,300		10,085		10,900	0	815
23.2 - Rental payments to others		390		488		488	0	0
23.3 - Communications, utilities, and miscellaneous charges		2,311		1,420		1,436	0	16
24.0 - Printing and reproduction		5		6		8	0	0
25.1 - Advisory and assistance services		1,154		2,279		2,279	0	0
25.2 - Other services from non-federal sources		429		2,050		2,087	0	37
25.3 - Other goods and services from federal sources		3,658		2,752		2,066	0	-686
25.4 - Operation and maintenance of facilities		686		182		182	0	0
25.6 - Medical care		13		156		162	0	6
25.7 - Operation and maintenance of equipment		1,412		392		392	0	0
26.0 - Supplies and materials		397		244		250	0	6
31.0 - Equipment		1,993		313		1,065	0	752
32.0 - Land and structures		217		0		1,191	0	1,191
42.0 - Insurance claims and indemnities		4		0		0	0	0
92.0 - Undistributed		0		-178		0	0	178
Total Obligations		93,662		93,531		95,328	0	1,797
Net of:								
Inobligated Balance, Start-of-Year		0		0		0	0	0
Transfers/Reprogramming		0		0		0	0	0
Recoveries/Refunds		0		0		0	0	0
Balance Rescission		0		0		0	0	0
Unobligated End-of-Year, Available		0		0		0	0	0
Unobligated End-of-Year, Expiring		27		0		0	0	0
Total Direct Requirements		93,709		93,531		95,328		1,797
Reimbursable FTE								
Full-Time Permanent	21		21		21		0	0

N. Additional Required Information

Additional Required Information for Congressional Justification
Office of the Inspector General

The Inspector General Reform Act of 2008 (P.L. 110-409) requires that the Department of Justice OIG submit the following information related to its requested budget for Fiscal Year 2018:

The aggregate budget request for the operations of the OIG is \$95,325,000;

The requested amount includes \$200,000 to support the operations of the Council of the Inspectors General on Integrity and Efficiency (CIGIE); and

The portion of the amount needed for OIG training is \$600,000

The Inspector General of the Department of Justice certifies that the amount requested for training satisfies all OIG training needs for FY 2018.

U.S Department of Justice
FY 2018 Performance Budget
Congressional Submission

United States Parole Commission



May 2017

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I. Overview for U.S. Parole Commission

The mission of the U.S. Parole Commission (USPC) is to promote public safety and strive for justice and fairness in the exercise of its authority to release, revoke and supervise offenders under its jurisdiction.

For FY 2018, the President's Budget includes a total of \$13,283,000, 53 positions (4 attorneys) and 53 FTEs for the U.S. Parole Commission.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

Organizational Structure

- **The Chairman and Commissioners** render decisions in National Appeals Board cases; create and maintain a national parole policy; grant or deny parole to all eligible federal and District of Columbia prisoners; establish conditions of release; modify parole conditions and/or revoke the parole or mandatory/supervised releases of offenders who have violated the conditions of supervision; and administer the USPC crime victim notification program.
- **The Office of Budget and Management** provides management and advisory services to the Chairman, Commissioners, management officials, and staff in the areas of human resources management, workforce development and training; budget and financial management; contracts and procurement; facilities and property management; telecommunications; security; and all matters pertaining to organization, management, and administration.
- **The Office of Case Operations** conducts parole hearings with federal, D.C. prisoners, and parole revocation hearings with parole violators; plans and schedules parole hearing dockets.
- **The Office of Case Services** monitors the progress of prisoners and parolees through pre-release and post-release; prepares and issues warrants and warrant supplements; drafts letters of reprimand; requests and analyzes preliminary interviews; and issues parole certificates.
- **The Office of Information Systems** is responsible for delivering and supporting information technology systems and services; maintaining and reporting statistical workload data; and administering the records management program.
- **The Office of the General Counsel** advises the Commissioners and staff on interpretation of the agency's enabling statutes; drafts implementing rules and regulations; and assists U.S. Attorney's Offices in defending the Commission against lawsuits brought by prisoners and parolees. The office also oversees responses to requests submitted under the Freedom of Information Act and Privacy Act.

Jurisdiction

The U.S. Parole Commission has jurisdiction over the following types of cases:

All Federal Offenders who committed an offense before November 1, 1987;

All District of Columbia Code Offenders;

Uniform Code of Military Justice Offenders who are confined in a Bureau of Prisons' institution;

Transfer Treaty cases (U.S. citizens convicted in foreign countries, who have elected to serve their sentence in this country); and

State Probationers and Parolees in the Federal Witness Protection Program.

In all of these cases, the Parole Commission has the responsibility for:

- making determinations regarding the initial conditions of supervision;
- managing the offender's risk in the community;
- modification of the conditions of supervision for changed circumstances;
- early discharge from supervision, issuance of a warrant or summons for violation of the conditions of supervision; and
- revocation of release for such offenders released on parole or mandatory release supervision.

Federal Offenders (offenses committed before November 1, 1987): The Parole Commission has the responsibility for granting or denying parole to federal offenders who committed their offenses before November 1, 1987, and who are not otherwise ineligible for parole. U.S. Probation Officers provide supervision in the community.

District of Columbia Code Offenders: The Parole Commission has the responsibility for granting or denying parole to D.C. Code offenders who committed their offenses before August 5, 2000, and who are not otherwise ineligible for parole. Supervision in the community is provided by Supervision Officers of the Court Services and Offender Supervision Agency (CSOSA) of the District of Columbia and U.S. Probation Officers.

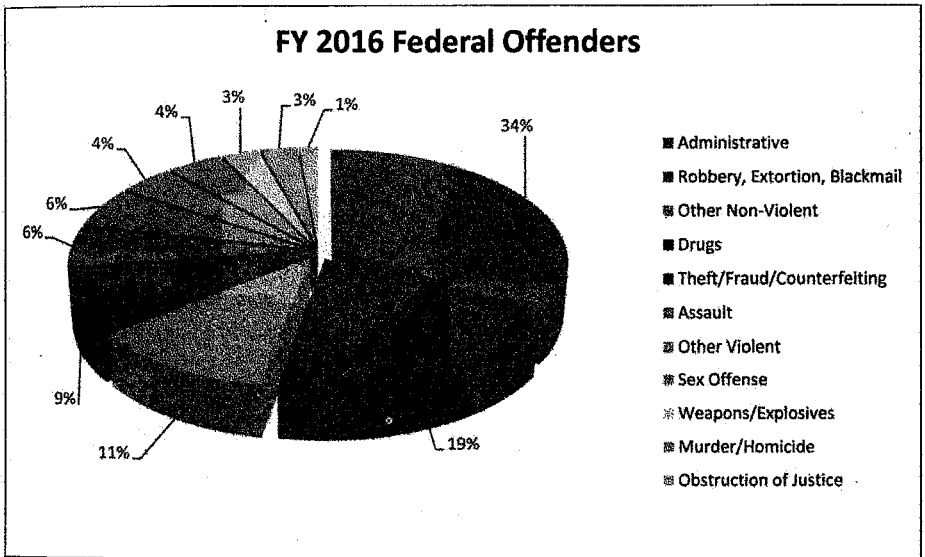
Uniform Code of Military Justice Offenders: The Parole Commission has the responsibility for granting or denying parole-to-parole-eligible Uniform Code of Military Justice offenders who are serving a sentence in a Bureau of Prisons institution. U.S. Probation Officers provide supervision in the community for military parolees.

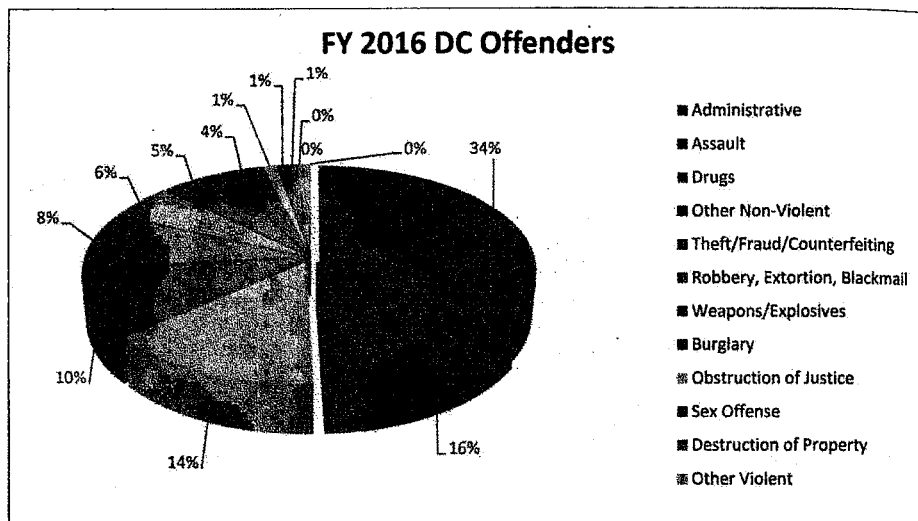
Transfer-Treaty Cases: The Parole Commission has the responsibility for conducting hearings and setting release dates for U.S. citizens who are serving prison terms imposed by foreign countries and who, pursuant to treaty, have elected to be transferred to the United States for service of that sentence. The Parole Commission applies the federal sentencing guidelines promulgated by the U.S. Sentencing Commission in determining the time to be served in prison before release for offenders who committed their offenses after October 31, 1987. For those offenders who committed their offenses before November 1, 1987, the U.S. Parole Commission applies the parole guidelines that are used for parole-eligible federal and military offenders.

State Probationers and Parolees in Federal Witness Protection Program: In addition to its general responsibilities, the Parole Commission is also responsible for the revocation of release for certain state probationers and parolees who have been placed in the federal witness protection program. United States Probation Officers provide supervision in the community.

The Parole Commission (1) provides services and programs to facilitate inmates' successful reintegration into society, consistent with community expectations and standards; (2) supervises, revokes, and releases federal and District of Columbia offenders; (3) establishes and applies sanctions that are consistent with public safety and the appropriate punishment for crimes involving sex offenders, gangs, crimes of violence with firearms, and domestic violence; (4) establishes and implements guidelines to reduce recidivism; and (5) works collaboratively with the Court Services and Offender Supervision Agency (CSOSA), Federal Prison System, U.S. Marshals Service, U.S. Attorneys (USA), U.S. Probation Office (USPO), Public Defender Services (PDS), D.C. Metropolitan Police Department, D.C. Superior Court, and others to facilitate strategies that support anti-recidivism programs.

Below are charts for Federal offenders and DC offenders showing the distribution of offenses for 2016. Federal offenders had a total of 70 offenses and DC offenders a total of 933 offenses.





1. Full Program Costs

The FY 2018 budget request for USPC is \$13,283,000, 53 full time permanent positions (including 4 attorneys) and 53 FTE.

	<u>Positions</u>	<u>FTE</u>	<u>Amount (\$000s)</u>
FY 2016 Enacted	85	68	13,308
FY 2017 Continuing Resolution	85	68	13,308
Adjustments to Base	-32	0	- 25
FY 2018 Program Changes	0	0	0
FY 2018 Request	53	53	13,283

The total costs include the following:

- The direct costs of all outputs
- Indirect costs
- Common administrative systems

The performance and resource tables define the total costs of achieving the strategies the USPC will implement in FY 2018. The various resource and performance charts incorporate the costs of lower level strategies which also contribute to achievement of objectives, but which may not

be highlighted in detail in order to provide a concise narrative. Also included are the indirect costs of continuing activities, which are central to the USPC's operations.

2. Challenges

The challenges that impede progress towards achievement of agency goals are complex and ever changing.

External Challenges: There are many external challenges that the USPC has to address to be successful in meeting its goals. While the Parole Commission's workload depends heavily on the activities of its criminal justice partners, challenges are faced when it comes to addressing the need to reduce recidivism. The growing epidemic of prison overcrowding continues. Thus, the agency is faced with collaborating with other criminal justice partners to determine other diversions and sanctions that will aid the offender population under its jurisdiction before imposing revocation actions that include a term of incarceration. Furthermore, as public safety is paramount, it is necessary to create programming that addresses the need to reduce violent crime, increase access to care for people with a mental health conditions, and establish evidence-based programs designed to address the needs of all persons impacted by crime. There continues to be greater emphasis across the criminal justice continuum relating to addressing the need for expansion of mental health services for persons that are involved in the system. According to James and Glaze (2006) over half of the prison population (local, state and federal populations, respectively) had a mental health problem. This includes all diagnostic criteria in *The Diagnostic and Statistical Manual of Mental Disorders 5*, to include substance dependence, severe illnesses such as schizophrenia, and relational issues.

To meet the growing needs in post-conviction matters that are under the jurisdiction of the USPC, internal adjustments are required. This poses a challenge, as the agency will be required to depend upon our community-based partners to identify how taking into account co-occurring disorders such as substance dependence and another mental health condition, the lack of treatment while incarcerated, and criminogenic risk factors impacts involvement in the criminal justice system. The Parole Commission will be required to apply a holistic approach in examining these specialized cases before making a final decision, as the release authority. The agency will need to define a scope of reference or baseline framework, specialized skills, program design and implementation, that accounts for treatment over incarceration while accounting for public safety. The agency's workload will significantly increase due to the added layer geared towards meeting the mission of reducing recidivism, addressing risk factors that contribute to criminal activity, and bridging persons to much needed treatment in the community.

Internal Challenges: Overall, the Parole Commission faces many challenges, especially in the areas of the aging parolee population, mental health, and serious violent crimes (e.g. sex offenses and crimes that involved a weapon). The staff must have the expertise to evaluate the nature of these specialized areas. This includes the need to expand the understanding of mental health disorders across the agency. In addition, the Parole Commission will need to assess limitations that impede the ability of the aging parolee(s). Such actions will be that of looking at if and how the aged parolee can meet some conditions of supervision versus others, if granted parole (e.g. traveling to complete a urine specimen sample when wheelchair-bound). The setting of appropriate conditions of supervision that adequately addresses close monitoring of offenders release to a term of supervision that has reached the statutory period of incarceration will require

implementation of comprehensive risk tools. Lastly, victim notification in post-conviction matters has long posed a challenge because cases that pre-date the mandate to notify often do not have victim or victim representative information. A great deal of research is required to locate victims or their representatives, and many of the cases considered by the USPC for parole are from over 25 years ago. As a small agency, all of the above will be challenging, as much change will be required to ensure success of addressing the growing needs. Innovation, creative and more flexible recruitment options, and restructuring of business operations will have to be employed to meet this challenge.

II. Summary of Program Changes

No Program Changes

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

United States Parole Commission
Salaries and Expenses

For necessary expenses of the United States Parole Commission as authorized, [\$13,308,000] \$13,283,000. (Department of Justice Appropriations Act, 2017.) Provided, that, notwithstanding any other provision of law, upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

Analysis of Appropriations Language

No substantive changes proposed.

IV. Program Activity Justification

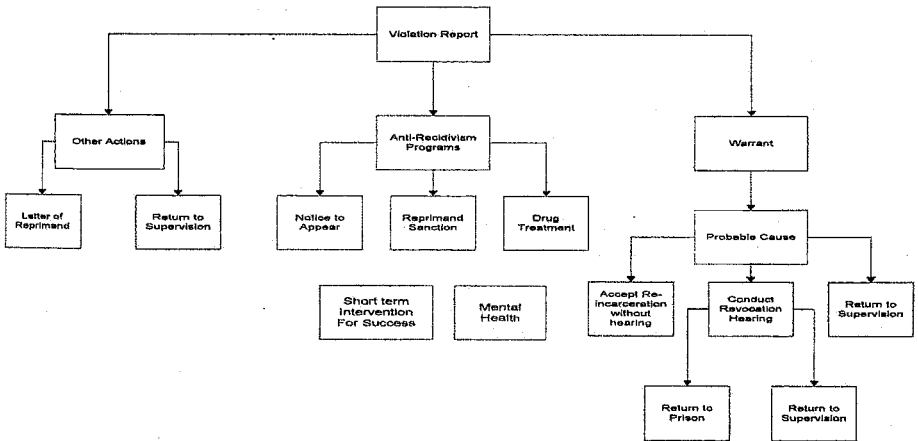
A. United States Parole Commission

<i>United States Parole Commission</i>	Direct Pos.	Estimate FTE	Amount
2016 Enacted	85	68	13,308
2017 Continuing Resolution	85	68	13,308
Adjustments to Base and Technical Adjustments	-35	-12	0
2018 Current Services	53	53	13,283
2018 Program Increases	0	0	0
2018 Program Offsets	0	0	0
2018 Request	53	53	13,283
Total Change 2017-2018	-35	-12	0

1. Program Description

The USPC continues to collaborate with CSOSA to develop new performance measures that will identify the effectiveness of the Parole Commission’s strategy to reduce recidivism.

In its effort to reduce recidivism, the Parole Commission has developed graduated sanctions to address non-compliant behavior thereby reducing the number of low-risk, non-violent offenders returning to prison. The flow chart below displays the process the Parole Commission follows after it receives a violation report and determines the best approach for a particular offender



One major goal of the Parole Commission is to issue warrants for those that willfully violate the conditions of their release and for those with the most egregious behavior, typically tied to violence, child abuse, sex offenses, etc. This approach will keep our communities safe while

also returning the more productive, low-risk offenders back to the community in a timely and cost efficient manner. The long-term goals and outcomes USPC plans to track include:

- The percentage of low-risk, non-violent cases that are provided drug treatment, quick hits, and warnings instead of incarceration;
- The percentage of offenders with low-level violations offered reduced sentences without a hearing; and
- The percentage of warrants approved and issued for offenders violating their conditions of release while under USPC supervision in the community.

Reprimand Sanction Hearings: Implemented in 2006, Reprimand Sanction Hearings are specialized hearings designed to reduce parole revocation hearings, improve offender compliance with release conditions, and reduce offender risk levels for offenders who have shown a pattern of noncompliance and have failed to respond positively to graduated sanctions. The Chairman of the USPC conducts the hearings in person, select members of the Commission, CSOSA, and the offender. Suggestions for improving compliance are given to the offender to improve their chance of remaining on supervised release. The intent of the hearings is to limit the number of offenders the USPC revokes supervision. Hearings are scheduled the first week of the month, with an average of five offenders. Since 2006, USPC has held 786 hearings. USPC continues to see significant reductions in positive drug test results and technical violation patterns among the offenders who have participated in this intervention.

Mental Health Docket: USPC created the Mental Health Sanctions Hearing Docket in early 2012 to identify the needs of the offenders with Mental Health diagnosis, provide greater collaboration with stakeholders in the acquisition of effective services, and increase the treatment engagement of program participants. This subset of offenders is one of the most challenging populations within the realm of Community Corrections because of their irrational, anti-social thoughts and behaviors, which are a result of failed or absent medication management.

Since 2012, the USPC has held 414 hearings, with approximately 74 warrants issued for continued non-compliance.

Notice to Appear (NTA): In an effort to reduce hardship on offenders and their families by allowing the offender to remain in the community until revocation proceedings commence, USPC implemented Notice to Appear Hearings. These efforts resulted in a reduction in overall time in custody for the revocation process. Since 2010, the USPC has approved 169 hearings, with 116 violators continuing on supervision and, 53 violators revoked.

Throughout this process, there has been a decrease in warrants for non-violent offenders, decreases in the number of non-violent offenders being re-incarcerated for minor violations, and decreases in the number of days violators are housed in the District of Columbia's (DC) Department of Corrections (DOC) custody. Ultimately, this results in a reduction in prison overcrowding and related costs savings. The average wait time is 65 days for an offender to have a hearing and allowing these offenders to remain in the community while those hearings are pending results in a substantial savings to The Department of Corrections.

Residential Substance Abuse Treatment Program (RSAT) and Secure Residential Treatment Program (SRTP): RSAT and SRTP were implemented in 2009 to deliver substance abuse treatment in a correctional facility setting as an alternative for offenders who would otherwise face revocation for low-level violations related to drug addiction and community reintegration failures. Operating out of the DC Department of Corrections, the RSAT program has a capacity of 75 beds for males, 25 beds for women, and a program length of up to 120 days, with 30 days of community-based inpatient or outpatient treatment. The SRTP supports a capacity of 32 beds for males and a program length of 180 days, with 90 days of transitional living, followed by 54 sessions of outpatient treatment.

Since 2009, approximately 1,094 offenders have served in the RSAT program with approximately 929 successfully completing the program. The SRTP program served approximately 566 offenders since 2009, with about 345 offenders successfully completing the program.

Short-Term Intervention of Success (SIS): In 2011, the SIS program was implemented to reduce recidivism by applying immediate short-term incarceration sanctions to administrative violators of supervision that demonstrate a commitment to modify their non-compliant behavior. To date, 1,002 offenders have been approved to enter the SIS program.

PERFORMANCE MEASURE TABLE													
Decision Unit:		United States Parole Commission											
Performance Report and Performance Plan Targets		FY 2012		FY 2013		FY 2014		FY 2016		FY 2017		FY 2018	
Performance Measure		Actual		Actual		Actual		Actual	Target	Actual	Target	Actual	Target
Warrants		2,364		2,000		2,296		1,871	1,780	1,772	1,780	1,780	1,780
Appeals		223		160		213		219	130	213	130	130	160
Parole Hearings		2,210		2,000		1,941		1,738	1,780	346	1,780	1,780	1,780
Revocation Hearings		1,758		1,500		1,728		1,321	1,330	1,330	1,330	1,330	1,330
Alternatives to Incarceration		N/A		N/A		N/A		362	300	300	300	300	300

N/A = Data unavailable

2. Performance, Resources, and Strategies

The United States Parole Commission is committed to providing alternatives to incarceration in an attempt to make low level, non-violent offenders, including drug offenders, more productive in their communities. Evidence from a number of state initiatives, such as those in Kentucky and Texas, has shown that investments in drug treatment for nonviolent offenders and other changes to parole policies can not only reduce prison populations, saving taxpayers millions of dollars, but also reduce recidivism rates.

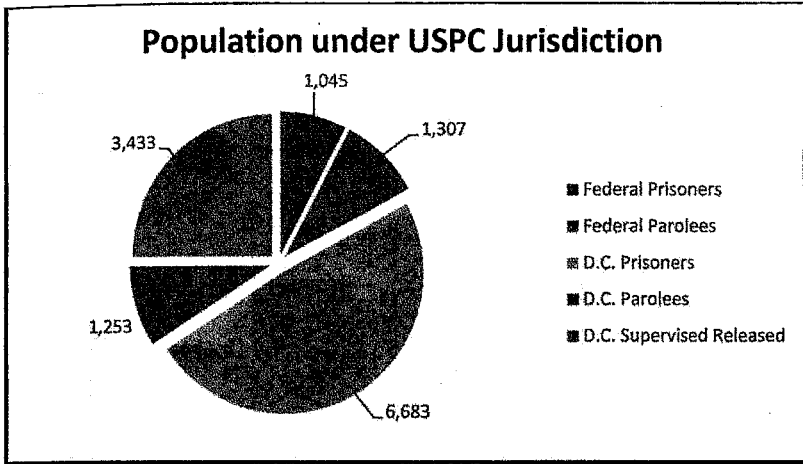
The USPC has expanded its Short-Term Intervention for Success (SIS) program, which is designed to provide for shorter periods of imprisonment for technical violators in exchange for potentially longer periods of incarceration. The success of the pilot program suggests a decrease in the re-arrest rates for those participating and has ultimately reduced overall prison costs. The USPC approves approximately 167 offenders per year to participate in the SIS program.

As noted above, the USPC has developed programs to violent crime, promote the public's safety, reduce unnecessary incarceration costs by lowering recidivism to reduce prison overcrowding. The USPC is reducing violent crimes by considering violent offenders a top priority to expeditiously apprehend offenders. The USPC accomplishes this by issuing warrants and sharing information with other law enforcement partners. There is a greater emphasis on reentry strategies, addressing substance abuse and mental health by identifying the needs of the offender and offering services of housing, employment opportunities and implementing other conditions to assist the offender with success while under supervision. The USPC is reducing prison overcrowding and the costs to house administrative offenders who are considered low-level offenders. These offenders could potentially have the opportunity to remain in the community while awaiting a hearing.

The Parole Commission is also in the processing of deploying a comprehensive electronic Case Management System (CMS) that requires existing active files to be prioritized for eventual scanning to convert them from paper. This system will also provide efficiencies in data exchange with CSOSA, electronic Warrant issuance, and improve the management of the hearing process.

a. Changes in Population and Workload

In FY 2015, the Parole Commission estimates the total prisoner and parolee population, federal and D.C., including D.C. supervised releases, to be approximately 13,722 a decrease of 3,396 from the previous year. The D.C. population under the Parole Commission's jurisdiction is 11,369, including 6,683 prisoners and 4,686 parolees and supervised releases. The remaining 2,353 individuals consist of federal offenders (including federal prisoners, parolees, transfer treaty, and military justice offenders) and state probationers and parolees in the Federal Witness Protection Program.



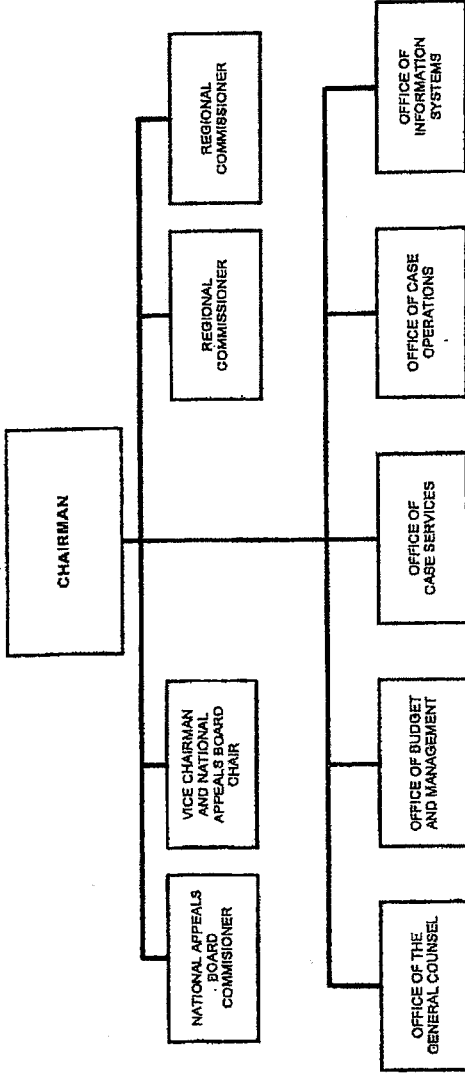
**FY2016 data unavailable*

Much of the D.C. caseload is driven by the management and evaluation of the progress of offenders in the community; the tracking of those at risk; the imposition of additional sanctions or conditions to ensure public safety; and finally, requests for warrants as a result of violations of the terms and conditions of parole. When a warrant is issued, a request for a preliminary interview follows, along with a hearing afterwards. The decrease in the population can be attributed to the overall decrease in criminal activity in DC. However, due to the number of offenses still being generated by the remaining offenders it is possible to not realize a decrease in workload.

Local revocation hearings are held at facilities in the locality where a parolee has been arrested, and these require more attention because the hearings are adversarial. An offender may contest the charges and is entitled to representation by an attorney, along with the ability to call witnesses. Additionally, these hearings are costlier to the Parole Commission, because they often involve travel to a remote location, where the examiner is only able to handle a particular case. In an institutional hearing, the parolee has admitted to the charges or been convicted of new criminal activity, and the issues to be heard involve the degree of responsibility and the length of additional incarceration. Institutional hearings are less costly, because the examiner can handle several cases during one docket. Local revocations are about 2-3 times as labor intensive as institutional hearings.

A: Organizational Chart

UNITED STATES PAROLE COMMISSION



Approved by:  Date: 5/16/13
 Eric H. Holder, Jr.
 Attorney General

B. Summary of Requirements
Summary of Requirements
U.S. Parole Commission
Salaries and Expenses
(Dollars in Thousands)

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted 1/	85	68	13,308
Total 2016 Enacted	85	68	13,308
2017 Continuing Resolution	85	68	13,308
2017 Rescission - 0.1901%	0	0	-25
Total 2017 Continuing Resolution	85	68	13,283
Base Adjustments			
Pay and Benefits	-32	-15	-55
Domestic Rent and Facilities	0	0	50
Other Adjustments	0	0	5
Total Base Adjustments	-32	-15	0
Total Technical and Base Adjustments	-32	-15	0
2018 Current Services	53	53	13,283
2018 Total Request	53	53	13,283
2017 - 2018 Total Change	-32	-15	0

^{1/} FY 2016 FTE is actual

B. Summary of Requirements

Summary of Requirements
 U.S. Parole Commission
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			FY 2017 Continuing Resolution			FY 2018 Technical and Base Adjustments			FY 2018 Current Services		
	Position \$	Actual FTE	Amount	Position \$	Est. FTE	Amount	Position \$	Est. FTE	Amount	Position \$	Est. FTE	Amount
United States Parole Commission	85	68	13,308	85	68	13,283	-32	-15	0	53	53	13,283
Total Direct	85	68	13,308	85	68	13,283	-32	-15	0	53	53	13,283
Balance Rescission			0			0						0
Total Direct with Rescission			13,308			13,283						13,283
Reimbursable FTE												
Total Direct and Reimb. FTE												
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE	68	68		68	68			-15			53	

Program Activity	2018 Increases			2018 Offsets			2018 Request		
	Position \$	Est. FTE	Amount	Position \$	Est. FTE	Amount	Position \$	Est. FTE	Amount
United States Parole Commission	0	0	0	0	0	0	53	53	13,283
Total Direct	0	0	0	0	0	0	53	53	13,283
Balance Rescission									
Total Direct with Rescission									
Reimbursable FTE									
Total Direct and Reimb. FTE									
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE	0	0		0	0		53	53	

Justifications for Technical and Base Adjustments
 U.S. Parole Commission
 Salaries and Expenses
 (Dollars in Thousands)

E..Justifications for Technical and Base Adjustments

	Positions	Estimate	Amount
Pay and Benefits		FTE	
1 2018 Pay Raise - 1.9% This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount request, \$131,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$98,250 for pay and \$32,750 for benefits.)	0	0	131
2 Annualization of 2017 Pay Raise - 2.88% This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88% included in the 2017 Appropriation. The amount requested \$217,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$162,750 for pay and \$54,250 for benefits).	0	0	217
3 Multiple and/or Administrative Savings To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	-3	-3	-486
4 Health Insurance Effective January 2018, the component's contribution to Federal employees' health insurance increases by 9.5 percent. Applied against the 2017 estimate of \$891,000, the additional amount required is \$86,000.	0	0	66
5 Position Requisition Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	-29	-12	0
6 Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$17,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	17
Domestic Rent and Facilities			
1 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 \$60,000 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.	-32	-15	-55
Subtotal, Pay and Benefits			
	0	0	50
Other Adjustments			
1 Security Investigations	0	0	5
Security Investigations			
Subtotal, Domestic Rent and Facilities	0	0	50
Subtotal, Other Adjustments	0	0	5
TOTAL DIRECT, TECHNICAL, and BASE ADJUSTMENTS	-32	-15	0

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability
 U.S. Parole Commission
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted		Reprogramming/Transfers		Carryover Amount	Recoveries/Refunds Amount	FY 2016 Availability	
	Positions	Actual FTE	Amount	Positions			Actual FTE	Positions
United States Parole Commission	85	88	13,308	0	0	0	85	88
Total Direct	85	88	13,308	0	0	0	85	88
Balance Rescission								
Total Direct with Rescission								
Reimbursable FTE								
Total Direct and Reimb. FTE								
Other FTE:								
LEAP FTE								
Overtime								
Grand Total FTE		88						88

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
 U.S. Parole Commission
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution		Reprogramming/Transfers		Carryover Amount	Recoveries/ Refunds Amount	FY 2017 Availability		
	Position \$	Est. FTE	Position \$	Est. FTE			Position \$	Est. FTE	Amount
United States Parole Commission	85	68	13,283	0	0	0	85	68	13,283
Total Direct	85	68	13,283	0	0	0	85	68	13,283
Balance Rescission			0						0
Total Direct with Rescission			13,283						13,283
Reimbursable FTE									0
Total Direct and Reimb. FTE		0		0					0
Other FTE:		68		0				68	
LEAP FTE									
Overtime		0		0				0	
Grand Total FTE		68		0				68	

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources
 U.S. Parole Commission
 Salaries and Expenses
 (Dollars in Thousands)

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Office for Victims of Crime	0	0	40	0	0	40	0	0	20	0	0	-20
Budgetary Resources	0	0	40	0	0	40	0	0	20	0	0	-20

Obligations by Program Activity	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
United States Parole Commission	0	0	40	0	0	40	0	0	20	0	0	-20
Budgetary Resources	0	0	40	0	0	40	0	0	20	0	0	-20

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
 U.S. Parole Commission
 Salaries and Expenses
 (Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Social Science, Psychology, Welfare (0100-0199)	30	0	30	0	-14	0	0	16	0
Clerical and Office Services (0300-0399)	34	0	34	0	-15	0	0	19	0
Accounting and Budget (500-599)	2	0	2	0	0	0	0	2	0
Attorneys (805)	7	0	7	0	0	0	0	7	0
Information Technology Mgmt (2210-2299)	7	0	7	0	-3	0	0	4	0
Social Worker Series (185)	5	0	5	0	0	0	0	5	0
Total	85	0	85	0	-32	0	0	53	0
Headquarters Washington D.C.	85	0	85	0	-32	0	0	53	0
US Fields	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	85	0	85	0	-32	0	0	53	0

K. Summary of Requirements by Object Class
Summary of Requirements by Object Class
 U.S. Parole Commission
 Salaries and Expenses
 (Dollars in Thousands)

Object Class	FY 2016 Actual		FY 2017 Continuing		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Resolution Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	68	5,969	68	5,675	53	6,675	-15	0
11.3 - Other than full-time permanent	0	573	0	480	0	480	0	0
11.5 - Other personnel compensation	0	173	0	250	0	250	0	0
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	0	0	0	0	0	0	0
Total	68	6,715	68	7,385	53	7,385	-15	0
Other Object Classes								
12.1 - Civilian personnel benefits		2,381		2,628		2,628		0
13.0 - Benefits for former personnel		0		50		50		0
21.0 - Travel and transportation of persons		123		130		130		0
22.0 - Transportation of things		27		25		25		0
23.1 - Rental payments to GSA		1,981		1,955		1,955		0
23.2 - Rental payments to others		95		100		100		0
23.3 - Communications, utilities, and miscellaneous charges		118		110		110		0
24.0 - Printing and reproduction		4		15		15		0
25.1 - Advisory and assistance services		146		175		175		0
25.2 - Other services from non-federal sources		380		200		200		0
25.3 - Other goods and services from federal sources		738		310		310		0
25.4 - Operation and maintenance of facilities		0		20		20		0
25.5 - Research and development of facilities		0		90		90		0
26.0 - Supplies and materials		28		40		40		0
31.0 - Equipment		101		50		50		0
Total Obligations		12,837		13,283		13,283		0
Net of:								
Unobligated Balance, Start-of-Year		0		0		0		0
Transfers/Reprogramming		0		0		0		0
Recoveries/Refunds		0		0		0		0
Balance Rescission		0		0		0		0
Unobligated End-of-Year, Available		0		0		0		0
Unobligated End-of-Year, Expired		471		0		0		0
Total Direct Requirements		13,308		13,283		13,283		0
Reimbursable FTE	0		0		0		0	0
Full-Time Permanent								

**FY 2018
Performance Budget
Congressional Justification**



NATIONAL SECURITY DIVISION

Protecting the United States from Threats to Our National Security by Pursuing
Justice Through the Law

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I. Overview for National Security Division

A. Introduction

The National Security Division (NSD) works to protect this Nation's citizens against acts of terrorism, the Department of Justice's (DOJ's) top priority. To maintain current services only, as reflected more fully in the justification that follows, NSD requests for FY 2018 a total of 362 positions (including 243 attorneys), 362 FTE, and \$101,031,000.¹

B. Background

NSD has outlined five areas of continued focus that will guide its operations in the coming years. NSD will continue to:

- Prevent, disrupt, and defeat terrorist operations before they occur by integrating intelligence and law enforcement efforts to achieve a coordinated all tools response to terrorist threats;
- Prosecute those involved in terrorist acts, adapting investigations to address changing terrorism threats, including homegrown violent extremism and cyber-enabled terrorism;
- Protect national assets from nation-state and terrorist threats, including through investigating, prosecuting, and disrupting espionage activity, proliferation, and foreign investment threats; and strengthening partnerships with potential targets of intelligence intrusions;
- Combat national security cyber-based threats and attacks through the use of all available tools, strong public-private partnerships, and by investigating and prosecuting cyber threat actors; and
- Ensure that IC agencies have the legal tools necessary to conduct intelligence operations while safeguarding privacy and civil liberties.

Division Structure

NSD is designed to ensure coordination and unity of purpose between prosecutors and law enforcement agencies on the one hand, and intelligence attorneys and the Intelligence Community (IC) on the other, thus ensuring the effectiveness of the federal government's national security efforts. The NSD is comprised of the:

- Office of Intelligence (OI);
- Counterterrorism Section (CTS);
- Counterintelligence and Export Control Section (CES);
- Office of Law and Policy (L&P);
- Foreign Investment Review Staff (FIRS);
- Office of Justice for Victims of Overseas Terrorism (OVT)

¹ Within the totals outlined above, NSD has included a total of 18 positions, 18 FTE, and \$16,313,000 for Information Technology (IT).



NSD Major Responsibilities

Intelligence Operations, Oversight, and Litigation

- Ensuring that IC agencies have the legal tools necessary to conduct intelligence operations;
- Representing the United States before the Foreign Intelligence Surveillance Court (FISC) to obtain authorization under the Foreign Intelligence Surveillance Act (FISA) for government agencies to conduct intelligence collection activities;
- Overseeing certain foreign intelligence, counterintelligence, and other national security activities of IC components to ensure compliance with the Constitution, statutes, and Executive Branch policies to protect individual privacy and civil liberties;
- Monitoring certain intelligence and counterintelligence activities of the Federal Bureau of Investigation (FBI) to ensure conformity with applicable laws and regulations, FISC orders, and Department procedures, including the foreign intelligence and national security investigation provisions of the Attorney General's Guidelines for Domestic FBI Operations;
- Fulfilling statutory, Congressional, and judicial reporting requirements related to intelligence, counterintelligence, and other national security activities;
- Coordinating and supervising intelligence-related litigation matters, including the evaluation and review of requests to use information collected under FISA in criminal and non-criminal proceedings and to disseminate FISA information; and
- Serving as the Department's primary liaison to the Director of National Intelligence and the IC.

Counterterrorism

- Promoting and overseeing a coordinated national counterterrorism enforcement program, through close collaboration with Department leadership, the National Security Branch of the FBI, the IC, and the 94 United States Attorneys' Offices (USAOs);
- Developing national strategies for combating emerging and evolving terrorism threats, including the threat of cyber-based terrorism;
- Overseeing and supporting the National Security Anti-Terrorism Advisory Council (ATAC) program by:
 - 1) collaborating with prosecutors nationwide on terrorism matters, cases, and threat information;
 - 2) maintaining an essential communication network between the Department and USAOs for the rapid transmission of information on terrorism threats and investigative activity; and
 - 3) managing and supporting ATAC activities and initiatives;
- Consulting, advising, training, and collaborating with prosecutors nationwide on international and domestic terrorism investigations, prosecutions, and appeals, including the use of classified evidence through the application of the Classified Information Procedures Act (CIPA);
- Sharing information with and providing advice to international prosecutors, agents, and investigating magistrates to assist in addressing international threat information and litigation initiatives; and
- Managing DOJ's work on counter-terrorist financing programs, including supporting the process for designating Foreign Terrorist Organizations and Specially Designated Global Terrorists, as well as staffing U.S. Government efforts on the Financial Action Task Force.

Counterintelligence and Export Control

Developing, and supervising the investigation and prosecution of espionage and related cases through coordinated efforts and close collaboration with Department leadership, the FBI, the IC, and the 94 USAOs;



Coordinating, developing, and supervising investigations and national strategies for combating the emerging and evolving threat of cyber-based espionage and state-sponsored cyber intrusions;
 Coordinating, developing, and supervising investigations and prosecutions into the unlawful export of military and strategic commodities and technology, including by assisting and providing guidance to USAOs in the establishment of Export Control Proliferation Task Forces;
 Coordinating, developing, and supervising cases involving the unauthorized disclosure of classified information and supporting resulting prosecutions by providing advice and assistance with the application of CIPA;

- Enforcing the Foreign Agents Registration Act of 1938 (FARA) and related disclosure statutes;
 Coordinating with interagency partners the use of all tools to protect our national assets, including use of law enforcement tools, economic sanctions, and diplomatic solutions; and
 Conducting corporate and community outreach relating to cyber security and other issues relating to the protection of our national assets.

Policy and Other Legal Issues

Handling appeals in cases involving national security-related prosecutions, and providing views on appellate issues that may impact national security in other civil, criminal, and military commissions cases;

- Providing legal and policy advice on the national security aspects of cybersecurity policy and cyber-related operational activities;
- Providing advice and support on national security issues that arise in an international context, including assisting in bilateral and multilateral engagements with foreign governments and working to build counterterrorism capacities of foreign governments and enhancing international cooperation;

Providing advice and support on legislative matters involving national security issues, including developing and commenting on legislation, supporting Departmental engagements with members of Congress and Congressional staff, and preparing testimony for senior Division/Department leadership;

Providing legal assistance and advice on matters arising under national security laws and policies, and overseeing the development, coordination, and implementation of Department-wide policies with regard to intelligence, counterintelligence, counterterrorism, and other national security matters;

Developing a training curriculum for prosecutors and investigators on cutting-edge tactics, substantive law, and relevant policies and procedures; and

Supporting the Department of Justice's participation in the National Security Council.

Foreign Investment

- Performing the Department's staff-level work on the Committee on Foreign Investment in the United States (CFIUS), which reviews foreign acquisitions of domestic entities that might affect national security and makes recommendations to the President on whether such transactions threaten the national security;
- Tracking and monitoring certain transactions that have been approved, including those subject to mitigation agreements, and identifying unreported transactions that might merit CFIUS review;
 Responding to Federal Communication Commission (FCC) requests for the Department's views relating to the national security implications of certain transactions relating to FCC licenses;



Tracking and monitoring certain transactions that have been approved pursuant to this process; and

In coordination with law enforcement and IC partners, conducting community outreach and corporate engagement relating to national security issues.

Victims of Terrorism

Ensuring that the rights of victims of overseas terrorism and their families are honored and respected, and that they are supported and informed during the criminal justice process.

NSD Recent Accomplishments (unclassified selections only)

Responding to the evolving threat posed by the Islamic State in Iraq and ash-Sham (ISIS), we have charged over 100 individuals for ISIS-related conduct and have obtained over 60 convictions as of March 2017. We have also brought dozens of charges against other foreign terrorist fighters and homegrown violent extremists.

Between March 2013 and March 2017, we publicly charged more than 120 individuals, in over 35 districts, for foreign terrorist fighter or homegrown violent extremist (HVE)-related conduct. We continued to lead the nation's counterterrorism efforts through collaboration with Department leadership, the FBI, the IC, the USAOs, and other federal agencies.

We successfully brought charges in a number of complex national security cyber cases, including the indictment of officers of the Russian Federal Security Service in connection with the 2014 hack into the network of Yahoo – one of the largest data breaches in U.S. history – as well as the indictment of Iranian hackers affiliated with the Islamic Revolutionary Guard Corps for cyber attacks against the U.S. financial sector, and charges against members of the Syrian Electronic Army for conspiracies related to computer hacking, among others.

- Continued to support the IC by seeking authority under FISA with the FISC.

Developed comprehensive Attorney General-approved procedures for four IC components – the Department of Defense, the Central Intelligence Agency, the Department of Homeland Security Office of Intelligence and Analysis, and the Department of Energy – regarding the collection, retention, and dissemination of information concerning United States persons.

Designated a total of 273 international terrorism events to allow for U.S. victim compensation and reimbursement under the International Terrorism Victim Expense Reimbursement Program (ITVERP).

Combated the growing threat posed by the illegal foreign acquisition of controlled U.S. military and strategic technologies through the National Export Enforcement Initiative.

- Successfully investigated and prosecuted national security threat actors – specific examples detailed below.

Managed an increased workload associated with the CFIUS and corporate engagement relating to NSD's efforts to assess and counter national security threats by foreign investment in national assets, as well as corporate engagement relating to NSD's broader efforts to protect national assets.

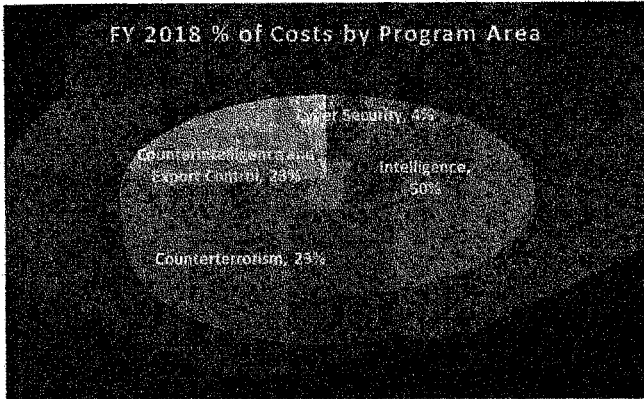
C. Full Program Costs

The NSD has a single decision unit. Its program activities include intelligence, counterterrorism, counterintelligence and export control, and cyber security. The costs by program activity include the activity's base funding plus an allocation of management, administration, and L&P overhead costs. The



overhead cost is allocated based on the percentage of the total cost comprised by each of the program activities.

The charts below represent the percentage of costs by program activity for FY 2018.



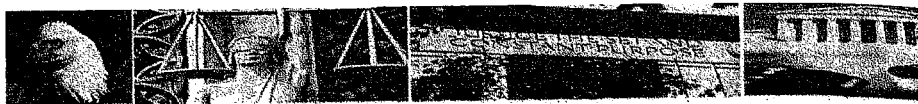
D. Performance Challenges

NSD recognizes that this is a challenging federal budget climate but continues to assert that additional resources are needed to address the threats facing this nation. Protecting the Nation's citizens against acts of terrorism is the top priority for the Department, and NSD's work is critical to that mission. As threats continue to grow and evolve, the challenges NSD must overcome also continue to increase and so does the need for additional resources. These challenges include:

1. **The changing terrorism threat:** The terrorism threat continues to become increasingly diverse and decentralized – as the world has made progress against core al Qaeda, the Islamic State in Iraq and ash-Sham (ISIS) has emerged and turned to a more diverse set of tactics, calling on operatives to engage in terrorism attacks wherever the opportunity arises. Thus, NSD and its partners are increasingly focused on this new trend and disrupting smaller, faster-developing plots, rather than larger, longer-term plots like 9/11.

As part of this changing threat environment, there continues to be a rise in homegrown violent extremism, which has resulted in terrorist attacks on U.S. soil inflicting civilian casualties. In addition, there continues to be an increasing number of U.S. persons traveling to Syria to join the ongoing conflict there. These individuals may return to the U.S. trained in the use of improvised explosive devices and other weapons, prepared to conduct attacks. The FBI has conducted investigations of such individuals in all 50 states. The U.S. also faces numerous threats as a result of domestic terrorism, including acts of terrorism by disparate groups that pose special investigative challenges.

The threat of these types of attacks is heightened by Islamic extremists aligned with ISIL and other terrorist organizations, such as al-Shabaab, that continue to leverage social media and online



engagement to further their recruitment efforts and call for attacks against the homeland. This environment gives rise to the potential for increasing number of homegrown violent extremists (HVEs), who – although they do not necessarily have any direct ties to ISIS, al Qaeda or any other foreign terrorist organization – reside or operate in the U.S. and become inspired by ISIS, al Qaeda or similar groups through social media and English-language propaganda.

The 2016 Worldwide Threat Assessment of the US Intelligence Community describes the evolving and emerging threat of terrorism, noting that “[t]he United States and its allies are facing a challenging threat environment in 2016” and that “Sunni violent extremism has been on an upward trajectory . . . and has more groups, members, and safe havens than at any other point in history.” At the same time, and perhaps most alarming, we are witnessing a surge in HVEs – individuals inspired by this extremist ideology to conduct attacks inside the United States. In total, between March 2013 and March 2017, we publicly charged more than 120 individuals, in over 35 districts, for foreign terrorist fighter or HVE-related conduct.

The terrorism threat is also evolving, requiring NSD to confront novel threats while it continues to disrupt traditional ones. For example, over the past two year, we have seen first-of-their-kind cases in which terrorists are using the Internet and social media as part of conspiracies to steal personal identifying information and disseminate it online, for the purpose of soliciting the murder of or encouraging terrorist attacks against U.S. persons. We expect these kinds of blended threats—converging once-unrelated counterterrorism and cyber cases—to grow in number. Similarly, terrorists and other criminals increasingly use technology, including encryption, to conceal their crimes and hide from government detection. This poses serious challenges for public safety, and adds significant burdens on law enforcement and intelligence investigations to attempt to mitigate the loss of lawful access to information.

The distributed nature of these types of threats makes investigation of them incredibly complex – as terrorist groups have turned to inspiring individuals across the globe to commit independent and more easily executed acts of terror, identifying and disrupting the threat has become increasingly resource-intensive. Unlike the small, organized cells that NSD has traditionally seen, the new face of terrorism is everywhere, and the potential population of would-be attackers is not easily knowable.

2. The recent recognition of increasing and changing threats to our national assets, including significant growth of cyber threats to the national security: A top priority for NSD is the protection of national assets through counterintelligence investigations and prosecutions, enforcement of export controls and sanctions, and cyber-related investigations and prosecutions. The theft of trade secrets and other intellectual property by or for the benefit of foreign entities is an increasingly acute and costly threat to U.S. national and economic security. Foreign governments and other non-state adversaries of the United States are also engaged in an aggressive campaign to acquire superior technologies and commodities that are developed in the United States, in contravention of our export control and sanctions laws. The threat our nation confronts increasingly consists not only of unlawful shipments and deliveries of physical commodities and equipment, but also the theft of proprietary information and export-controlled technology through cyber attacks and intrusions in their computer networks, as well as through insider threats. The most sophisticated of our adversaries employ multi-faceted campaigns to acquire valuable proprietary technologies through a combination of traditional and asymmetric approaches. For example, our nation-states adversaries increasingly rely on commercial and other non-state entities



to conduct economic espionage, creating a new threat vector that is especially difficult to investigate. Adequately addressing these threats requires a comprehensive, “all-tools” approach that leverages the full array of our options under existing legal authorities. NSD plays a central role in leading these efforts.

Likewise, NSD’s foreign investment review work—including its review of filings before the Committee on Foreign Investment in the United States (CFIUS) and its review of foreign entities’ license applications for provision of communications services before the Federal Communications Commission (through the so-called Team Telecom working group)—has also expanded to address the asymmetric threat. With respect to Team Telecom in particular, complex transactions and differences in evaluative priorities among agencies have prompted the Administration’s desire to formalize this process with stricter timelines, an administrative chair, and other indicia of a structured interagency process. NSD’s responsibilities will increase greatly in effectuating this formalization.

Also among the most significant challenges that NSD continues to face is the rapid expansion and evolution of cyber threats to the national security. Representatives from the IC have assessed that the cyber threat may soon surpass that of traditional terrorism, and NSD must be prepared to continue to take lessons learned over the past decade and adapt them to this new threat. Cyber threats, which are highly technical in nature, require time-intensive and complex investigative and prosecutorial work, particularly given their novelty, the difficulties of attribution, challenges presented by electronic evidence, the speed and global span of cyber activity, and the balance between prosecutorial and intelligence-related interests in any given case. To meet this growing threat head on, NSD must continue to equip its personnel with cyber-related skills through additional training while recruiting and hiring individuals with cyber skills who can dedicate themselves full-time to these issues immediately. The window of opportunity for getting ahead of this threat is narrow; closing the gap between our present capabilities and our anticipated needs in the near future will require significant resources and commitment.

3. An increasing workload in intelligence oversight, operations, and litigation, especially as relates to the 2015 USA Freedom Act and the upcoming consideration of reauthorization of Section 702 of the Foreign Intelligence Surveillance Act: NSD’s intelligence-related work supports the U.S. Government’s national security mission fully, including combating the threats posed by terrorists, threats to our nation’s cybersecurity, and other threats. NSD’s Intelligence Operations attorneys work closely with the intelligence community to ensure that they have the legal authorities required to conduct electronic surveillance and physical search of agents of foreign powers, including agents of international terrorist groups, in fast-paced national security investigations. Due to ISIS’s prolific use of social media to spread propaganda and recruit followers on-line, NSD has seen an increase in the domestic HVE threat over the last few years, with more U.S. persons being recruited and radicalized on-line. This threat is likely to continue for some time. NSD’s Oversight work is a critical (and often required) component of NSD’s implementation of national security initiatives and authorities, including combating cyber-attacks, terrorism, espionage and the proliferation and use of weapons of mass destruction. Historical trends in NSD’s Oversight work related to the IC’s implementation of Section 702, as well as new DOJ obligations under the USA FREEDOM Act, indicate that the work in this area will grow in the coming years.

As a part of Section 702 oversight, NSD has reviewed an increasing number of (1) National Security Agency (NSA) and FBI targeting decisions and (2) queries concerning a known U.S.



person (USP) of unminimized noncontents information obtained under Section 702. While the number of targeting decisions remains classified, the government reported in the 15th Semiannual Assessment of Compliance with Procedures and Guidelines Issued Pursuant to Section 702 of the Foreign Intelligence Surveillance Act, "Since the inception of the program, the total number of facilities under collection during each reporting period has steadily increased with the exception of two reporting periods that experienced minor decreases." The unclassified estimated number of targets reported in the Statistical Transparency Report Regarding Use of National Security Authorities provides a helpful parallel. The number of targets grew from 89,138 in CY2013 to 106,469 in CY2016, equating to an increase of approximately 19%. In addition, for multiple agencies involved in Section 702 collection, the estimated number of USP queries increased from 9,500 in CY2013 to 30,355 in CY2016, which was an increase of over 200%.

The passage of the USA FREEDOM Act in June 2015 resulted in many significant amendments to FISA. NSD is playing a leading role in fulfilling the Act's requirements, including new oversight and amicus provisions. With respect to transparency, the Act requires the declassification (or, where that is not possible, declassified summaries) of opinions by the Foreign Intelligence Surveillance Court (FISC) and Foreign Intelligence Surveillance Court of Review that involve significant or novel issues. It also increases the government's public reporting obligations regarding specific uses of FISA authorities. The Act further requires that the FISC generally appoint an amicus curiae in FISA cases involving significant or novel issues—a requirement that we expect to result in additional legal briefings. Likewise, possible changes to Section 702 of FISA, which expires at the end of 2017, may well place additional burdens on the Division's limited resources.

NSD expects to see continued considerable growth in the area of use and litigation relating to Section 702 information. There have been several high-profile litigation matters during the past year, including some involving individuals indicted for terrorism-related charges. The government has successfully litigated issues relating to Section 702 information in both federal district and appellate courts, and NSD expects continued growth in these challenges and the need to dedicate significant resources to these matters to ensure successful outcomes.

4. Difficulties inherent in supporting the continued development of a relatively new Division in an ever-changing environment: NSD, the newest litigating component of the Department, faces challenges associated with having to build an infrastructure and systems to support a developing Division. When it was created in 2006, NSD lacked certain policies and procedures that had to be developed over time, and indeed created an office to assist in fulfilling the Department's mandate to institute enterprise risk management. Likewise, NSD is in the process of building case management and document management systems that will allow NSD employees to efficiently and effectively carry out their mission. Requirements for these systems are complicated given the evolving nature of the work NSD performs and the ever-changing threats to the nation's security that NSD works daily to address. Similarly, NSD possesses a significant amount of classified and sensitive information, and it is therefore necessary to have in place the information technology systems to protect this information and a robust program to guard against the threats posed by insiders who misuse information or improperly disclose it without authorization. This creates unique challenges both in terms of information technology infrastructure and support, as well as document management. NSD's funding requests have not always been fully approved, however, which creates challenges for a Division that is just more than 10 years old.



Because of the nature of its work and the critical role it plays in protecting the nation against terrorism and threats to national security, NSD also faces particular challenges relating to emergency preparedness. The vast majority of NSD's work relates to classified material, and more than 80% of its workforce is housed in sensitive compartmented information facilities. NSD plays a pivotal role in providing operational and policy support to the intelligence community, law enforcement, and the Department and other government agencies in the event of a local or national emergency. Continuity of operations and continuity of government plans, therefore, must account for the circumstances in which NSD must be able to operate, which can lead to significant additional costs.

5. Challenges associated with victims outreach: NSD also maintains the Office of Justice for Victims of Overseas Terrorism (OVT) to assist U.S. citizen victims when the terrorist attack and criminal proceedings occur overseas. OVT faces challenges in obtaining foreign litigation information, which includes security challenges; lack of political will by the foreign government; unpredictable foreign justice mechanisms; sovereignty concerns of the foreign government; and bureaucratic issues within the United States Government.

This caseload is defined as cases involving U.S. citizens that are in a foreign litigation process, and this caseload number is fluid as cases are resolved. This type of monitoring and advocacy requires additional time and effort on behalf of a very small staff. U.S. citizens who are injured by terrorists abroad deserve the best advocacy and information services that can be provided. It is the goal of OVT to do exactly that; however, the proper resources and access to this information must be available in order for OVT to fully achieve its mission.

E. Environmental Accountability

NSD continues to be committed to environmental wellness and, to that end, is involved in a variety of programs and activities that promote environmental responsibility. Examples include:

- Developing and implementing automated systems in an effort to become as paperless as possible. This effort has also significantly decreased daily toner and paper usage as well as other various costs associated with printers and copier machines.
- Administering a comprehensive recycling program. NSD distributes individual recycling containers to each employee and contractor and provides larger recycling containers in common areas such as breakrooms. The Division also recycles all toner cartridges.
- Participating in DOJ environmental initiatives, including the Transit Subsidy and Bicycle Commuter Fringe Benefits programs.

II. Summary of Program Changes (*No Program Changes*)



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, [\$97,337,000] \$101,031,000, of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Analysis of Appropriations Language

No change proposed.



IV. Program Activity Justification

National Security Division

<i>National Security Division</i>	Direct Pos.	Estimate FTE	Amount
2016 Enacted	393	353	\$95,000,000
2017 Continuing Resolution	393	359	\$94,819,000
Adjustments to Base and Technical Adjustments	-31	3	6,212,000
2018 Current Services	362	362	101,031,000
2018 Program Increases	0	0	0
2018 Program Offsets	0	0	0
2018 Request	362	362	101,031,000
Total Change 2017-2018	-31	3	\$6,212,000

<i>National Security Division-Information Technology Breakout</i>	Direct Pos.	Estimate FTE	Amount
2016 Enacted	18	18	15,758,000
2017 Continuing Resolution	18	18	16,859,000
Adjustments to Base and Technical Adjustments	0	0	0
2018 Current Services	18	18	16,313,000
2018 Program Increases	0	0	0
2018 Program Offsets	0	0	0
2018 Request	18	18	16,313,000
Total Change 2017-2018	0	0	-\$546,000

1. Program Description

The National Security Division (NSD) is responsible for:

- overseeing terrorism investigations and prosecutions;
- protecting critical national assets from national security threats, including through handling counterespionage, counterproliferation, and national security cyber cases and matters;
- serving as the Department's liaison to the Director of National Intelligence;
- administering 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 FISA;
- conducting oversight of certain activities of the IC components and the FBI's foreign intelligence and counterintelligence investigations pursuant to the Attorney General's guidelines for such investigations; and



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.

In coordination with the FBI, the IC, and the USAOs, NSD's primary operational function is to prevent, deter, and disrupt terrorist and other acts that threaten the U.S., including counterintelligence threats and cyber threats to the national security. The NSD also serves as the Department's liaison to the Director of National Intelligence, advises the Attorney General on all matters relating to the national security activities of the U.S., and develops strategies for emerging national security threats – including cyber threats to the national security.

NSD administers the U.S. Government's national security program for conducting electronic surveillance and physical search of foreign powers and agents of foreign powers pursuant to FISA, and conducts oversight of certain activities of the IC components and the FBI's foreign intelligence and counterintelligence investigations pursuant to the Attorney General's guidelines for such investigations. NSD prepares and files all applications for electronic surveillance and physical search under FISA, represents the government before the FISC, and – when evidence obtained or derived under FISA is proposed to be used in a criminal proceeding – obtains the necessary authorization for the Attorney General to take appropriate actions to safeguard national security. NSD also works closely with the Congressional Intelligence and Judiciary Committees to ensure they are apprised of Departmental views on national security and intelligence policy and are appropriately informed regarding operational intelligence and counterintelligence issues.

In addition, NSD advises a range of government agencies on matters of national security law and policy, participates in the development of national security and intelligence policy through the National Security Council-led Interagency Policy Committee and Deputies' Committee processes, and represents the DOJ on a variety of interagency committees such as the Director of National Intelligence's FISA Working Group and the National Counterintelligence Policy Board. NSD comments on and coordinates other agencies' views regarding proposed legislation affecting intelligence matters, and advises the Attorney General and various client agencies, including the Central Intelligence Agency, the FBI, and the Defense and State Departments concerning questions of law, regulations, and guidelines as well as the legality of domestic and overseas intelligence operations.

NSD also serves as the staff-level DOJ representative on the CFIUS, which reviews foreign acquisitions of domestic entities affecting national security. In this role, NSD evaluates information relating to the structure of transactions, foreign government ownership or control, threat assessments provided by the IC, vulnerabilities resulting from transactions, and ultimately the national security risks, if any, of allowing a transaction to proceed as proposed or subject to conditions. In addition, NSD tracks and monitors transactions that have been approved subject to mitigation agreements and seeks to identify unreported transactions that may require CFIUS review. On behalf of the Department, NSD also responds to FCC requests for Executive Branch determinations relating to the national security implications of certain transactions that involve FCC licenses. NSD reviews such license applications to determine if a proposed communication provider's foreign ownership, control, or influence poses a risk to national security, infrastructure protection, law enforcement interests, or other public safety concerns sufficient to merit mitigating measures or opposition to the transaction.

Finally, NSD, through its OVT, ensures that the investigation and prosecution of terrorist attacks against American citizens overseas are a high priority within the Department of Justice. Among other things,



OVT is responsible for monitoring the investigation and prosecution of terrorist attacks against Americans abroad, working with other Justice Department components to ensure that the rights of victims of such attacks are honored and respected, establishing a Joint Task Force with the Department of State to be activated in the event of a terrorist incident against American citizens overseas, responding to Congressional and citizen inquiries on the Department's response to such attacks, compiling pertinent data and statistics, and filing any necessary reports with Congress.

Performance Tables

PERFORMANCE AND RESOURCES TABLE									
Decision Unit: National Security Division									
WORKLOAD/ RESOURCES									
	Target	Actual	Projected	Changes	Requested (Total)				
	FY 2016	FY 2016	FY 2017	Current Services Adjustments and FY 2018 Program Changes	FY 2018 Request				
Workload ¹									
Defendants Charged	137	190	142	0	142				
Defendants Closed	117	133	122	0	122				
Matters Opened	72,996	115,687	72,611	58,020	130,631				
Matters Closed	72,473	115,705	72,483	58,012	130,495				
FISA Applications Filed ²	CY 2016: 2,200	CY 2016: 1,743	CY 2017: 2,200	0	CY 2018: 2,200				
National Security Reviews of Foreign Acquisitions	CY 2016: 225	CY 2016: 229	CY 2017: 300	0	CY 2018: 300				
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	FTE	FTE	FTE
	353	353	359	3	362	362	362	362	101,031
	FY 2016	FY 2016	FY 2017	Current Services Adjustments and FY 2018 Program Changes	FY 2018 Request				
Program Activity	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE	FTE	FTE	FTE
	197	193	197	1	198	198	198	198	50,173
Output Measure	CY 2016: 100	CY 2016: 110	CY 2017: 105	0	CY 2018: 105				
¹ Workload measures are not performance targets, rather they are estimates to be used for resource planning.									
² FISA applications filed data is based on historical averages and do not represent actual data, which remains classified until the public report is submitted to the Administrative Office of the U.S. Courts and the Congress in April for the preceding calendar year.									

PERFORMANCE AND RESOURCES TABLE																
Decision Unit: National Security Division																
WORKLOAD/ RESOURCES																
Program Activity	Efficiency Measure	Outcome Measure	Outcome Measure	Outcome Measure	Outcome Measure	Outcome Measure	Target		Actual		Projected		Changes		Requested (Total)	
							FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		Counterterrorism					89	22,225	89	22,225	90	22,182	1	1,454	91	23,636
		Percentage of OVT responses to victims within 3 business days of victim request for information from OVT				80%			100%		80%			N/A		N/A-Discontinued
		Percentage of services/rights OVT successfully provided to victims of attacks identified within the fiscal year				95%			99%		95%			N/A		N/A-Discontinued
		Percentage of CT defendants whose cases were favorably resolved				90%			99%		90%			0%		90%
		Percentage of CT cases where classified information is safeguarded (according to CIPA requirements) without impacting the judicial process				99%			100%		99%			0%		99%
		Counterintelligence and Export Control					49	22,125	49	22,125	49	22,083	1	1,447	50	23,529
		Percentage of CE defendants whose cases were favorably resolved				90%			100%		90%			0		90%
		Percentage of CE cases where classified information is safeguarded (according to CIPA requirements) without impacting the judicial process				99%			100%		99%			0		99%
		FARA inspections completed				14			14		14			0		14
		High priority national security reviews completed							CY 2016: 43		CY 2017: 45			0		CY 2018: 45
		Cyber					22	3,472	22	3,472	22	3,466	1	227	23	3,693
		Percentage of Cyber defendants whose cases were favorably resolved				90%			100%		90%			0		90%

PERFORMANCE MEASURE TABLE															
Performance Report and Performance Plan Targets		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
Measure	Target	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target
Performance Efficiency Measure	Intelligence Community Oversight Reviews	99	100%	109	100%	112	100%	124	80%	100	80%	110	100%	105	105
	Percentage of OVT responses to victims within 3 business days of victim request for information from OVT	89%	100%	100%	100%	100%	100%	80%	80%	100	80%	100%	100%	80%	N/A-Discontinued
Outcome Measure	Percentage of services/rights OVT successfully provided to victims of attacks identified within the fiscal year	N/A		99%	95%	94%	94%	95%	95%	95%	95%	98%	98%	95%	N/A-Discontinued
Outcome Measure	Percentage of CE defendants whose cases were favorably resolved	98%		92%	100%	94%	94%	100%	90%	90%	90%	99%	99%	90%	90%
Outcome Measure	Percentage of CT cases where classified information is safeguarded (according to CIPA requirements) without impacting the judicial process	100%		100%	98%	99%	99%	98%	99%	99%	99%	100%	100%	99%	99%
Outcome Measure	Percentage of CE defendants whose cases were favorably resolved	100%		98%	100%	100%	100%	100%	100%	90%	90%	100%	100%	90%	90%
Performance Measure	FARA inspections completed	15		12	14	15	15	14	14	14	14	14	14	14	14
Performance Measure	High priority national security reviews completed	CY 2012: 37		CY 2014: 32	CY 2015: 35	CY 2013: 30	100%	CY 2014: 32	CY 2015: 38	CY 2015: 38	CY 2016: 43	CY 2016: 43	CY 2017: 45	CY 2018: 45	CY 2018: 45
Outcome Measure	Percentage of CE cases where classified information is safeguarded (according to CIPA requirements) without impacting the judicial process	100%		100%	100%	100%	100%	100%	99%	99%	99%	100%	100%	90%	90%
Outcome Measure	Percentage of Cyber defendants whose cases were favorably resolved	N/A – new in FY 2014		N/A ¹	100%	N/A – new in FY 2014	N/A ¹	100%	90%	90%	90%	100%	100%	90%	90%

¹ NSD did report an actual for this measure because no cyber cases were resolved during the fiscal year.



3. Performance, Resources, and Strategies

For performance reporting purposes, resources for NSD are allocated to four program activities: Intelligence, Counterterrorism, Counterintelligence and Export Control, and Cyber Security.

A. Performance Plan and Report for Outcomes

Intelligence Performance Report

Measure: Intelligence Community Oversight Reviews

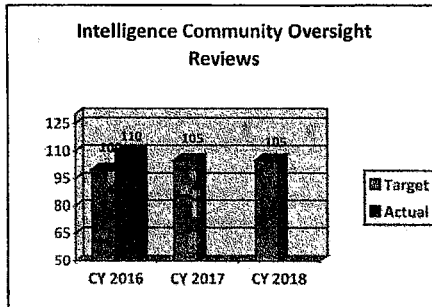
CY 2016 Target: 100

CY 2016 Actual: 110

CY 2017 Target: 105

CY 2018 Target: 105

Discussion: The CY 2018 target is consistent with the previous targets. Although the overall work of the Division assessing and ensuring compliance is expected to continue to increase in future years due to the growth of current oversight programs, this is largely reflected in the targets for matters opened and closed. The scope and resources required to prepare for, and conduct, existing reviews is expected to continue to increase due to the Intelligence Community's increased use of certain national security tools.



Data Definition: NSD attorneys are responsible for conducting oversight of certain activities of IC components. The oversight process involves numerous site visits to review intelligence collection activities and compliance with the Constitution, statutes, AG Guidelines, and relevant Court orders. Such oversight reviews require advance preparation, significant on-site time, and follow-up and report drafting resources. These oversight reviews cover many diverse intelligence collection programs. FISA Minimization Reviews and National Security Reviews will be counted as part of IC Oversight Reviews.

Data Collection and Storage: The information collected during each review is compiled into a report, which is then provided to the reviewed Agency. Generally, the information collected during each review, as well as the review reports, are stored on a classified database. However, some of the data collected for each review is stored manually.

Data Validation and Verification: Reports are reviewed by NSD management, and in certain instances reviewed by agencies, before being released.

Data Limitations: None identified at this time.



Counterterrorism Performance Report

Measure: Percentage of OVT Responses to Victims within 3 Business Days of Victim Request for Information from OVT

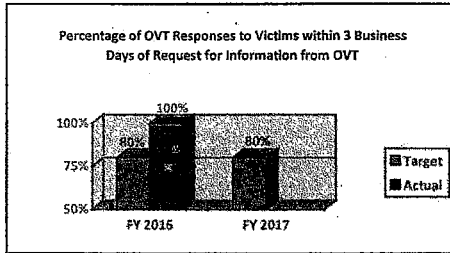
FY 2016 Target: 80%

FY 2016 Actual: 100%

FY 2017 Target: 80%

FY 2018 Target: N/A- measure will be discontinued.

Discussion: This measure will be discontinued starting in FY 2018.



Data Definition: Victims: American citizens who are the victims of terrorism outside the borders of the U.S. This measure reflects OVT’s efficiency in providing information to victims after they have contacted OVT.

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

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

Data Limitations: None.

Measure: Percent of services/rights OVT successfully provided to victims of attacks identified within the fiscal year.

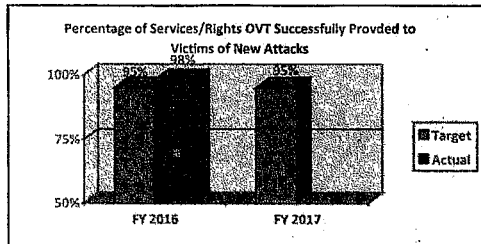
FY 2016 Target: 95%

FY 2016 Actual: 98%

FY 2017 Target: 95%

FY 2018 Target: N/A- measure will be discontinued.

Discussion: This measure will be discontinued in FY 2018





Data Definition: This measure counts the percentage of services/rights OVT provided during the fiscal year that are successfully resolved through the provision of a set group of services. OVT monitors only new attacks that occurred during the fiscal year. Most referrals come from the FBI's Office for Victim Assistance, which will inform OVT when a foreign attack has U.S. victims and the FBI is opening an investigation. Another source for information is CTS, which will inform OVT about foreign and domestic terrorism trials with U.S. victims. In some situations, referrals may come from the State Department, media, or other victims.

Data Collection and Storage: For each new attack identified to OVT, OVT creates a paper file to document OVT efforts. The file contains a checklist of services that OVT can either provide or refer to another agency to provide, or which cannot be provided for a legitimate reason (e.g., it would involve divulging National Security information or information pertaining to a criminal justice proceeding that is ongoing at the time). On a quarterly basis, OVT analyzes and reviews the paper files to determine whether the checklist services have been successfully addressed as indicated in the previous sentence. The performance measure is the percentage of services OVT successfully provided during the fiscal year.

Data Validation and Verification: OVT reviews the paper files on a quarterly basis. The information in the paper files is then loaded into OVT's automated Victim/Attack Tracking Tool so the information can be easily accessed.

Data Limitations: Some criminal justice proceedings and OVT support efforts will take place over several years, but OVT's efforts will only be reported in the year in which the attack occurred to avoid duplication.

Measure: Percentage of CT Defendants Whose Cases Were Favorably Resolved

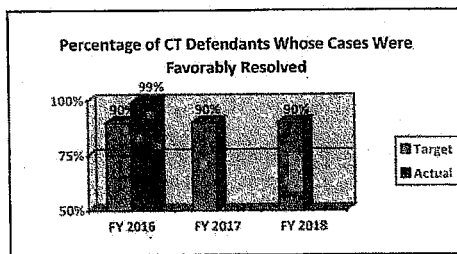
FY 2016 Target: 90%

FY 2016 Actual: 99%

FY 2017 Target: 90%

FY 2018 Target: 90%

Discussion: The FY 2018 target is consistent with previous fiscal years. Among the strategies that NSD will pursue in this area are consulting, advising, and collaborating with prosecutors nationwide on international and domestic terrorism prosecutions.



Data Definition: Defendants whose cases were favorably resolved include those defendants whose cases were closed during the fiscal year that resulted in court judgments favorable to the government.

Data Collection and Storage: Attorneys provide data, which is stored in the ACTS database.

Data Validation and Verification: Data validation and verification is accomplished via quarterly review by CTS Chief.

Data Limitations: None identified at this time.



Highlights from Recent Counterterrorism Cases

The following are highlights from recent counterterrorism cases.

United States v. Ibrahim Suleiman Adnan Adam Harun, aka “Spin Ghul”: Beginning in 2001, the defendant traveled from Saudi Arabia to Afghanistan intending to fight violent jihad. He joined al-Qaeda, received military-type training at al-Qaeda training camps, and ultimately fought against United States and Coalition forces in Afghanistan with an al-Qaeda fighting group based in Pakistan.

Harun attempted to kill U.S. military personnel in Afghanistan between 2002 and 2003. In 2003, in Pakistan, Harun received further al-Qaeda training and traveled to Africa intending to conduct attacks on U.S. diplomatic facilities in Nigeria. While in Nigeria, Harun conspired with others to bomb such facilities. Harun then went to Libya in late 2004 with the intention of going to Europe so he could conduct an attack there. He was later arrested in Libya and, in June 2011, the Libyans deported him to Italy where he was arrested by Italian authorities. Harun was extradited to the United States in October 2012.

On March 20, 2013, the district court in the Eastern District of New York unsealed a six-count indictment, which was filed on February 21, 2012, charging Harun with (1) conspiracy to murder United States nationals, in violation of 18 U.S.C. § 2332(b)(2); (2) conspiracy to attack a government facility, in violation of 18 U.S.C. §§ 2332f(a)(2), 2332f(b)(2) and 2332f(c); (3) conspiracy to provide material support to a foreign terrorist organization, in violation of 18 U.S.C. §§ 2339B(a)(1) and 2339B(d); (4) provision and attempted provision of material support to a foreign terrorist organization, in violation of 18 U.S.C. §§ 2339B(a)(1), 2339B(d) and 2; (5) use of firearms, in violation of 18 U.S.C. §§ 924(c)(1)(A)(iii), 924(c)(1)(B)(ii) and 2; and (6) use of explosives, in violation of 18 U.S.C. §§ 844(h)(1), 844(h)(2) and 2. In March 2016, after a ten-day trial, Harun was convicted of all counts.

United States v. Ardit Ferizi: On September 23, 2016, in the Eastern District of Virginia, Ardit Ferizi was sentenced to 20 years’ imprisonment followed by 10 years of supervised release. On June 15, 2016, Ferizi pled guilty to one count of providing material support to the Islamic State of Iraq and al-Sham (ISIS), in violation of 18 U.S.C. § 2339B, and one count of computer hacking, in violation of 18 U.S.C. § 1030(a)(2). On February 26, 2016, Ferizi was arraigned on an indictment returned February 16, 2016, charging him with one count of conspiring to provide material support to the Islamic State of Iraq and al-Sham (ISIS), in violation of 18 U.S.C. § 2339B, one count of providing material support to ISIS, in violation of 18 U.S.C. § 2339B, one count of computer hacking, in violation of 18 U.S.C. § 1030, and one count of aggravated identity theft, in violation of 18 U.S.C. § 1028A.

Ferizi, the leader of a Kosovo-based hacking group, gained unauthorized access to a U.S. company’s server and stole personally identifiable information (PII) belonging to more than 1,000 United States government employees, including military and law enforcement personnel. Ferizi provided the PII to ISIS member Junaid Hussain, knowing that the information would be used by ISIS to target the identified individuals for terrorist attacks. On August 11, 2015, ISIS, acting through the “Islamic State Hacking Division,” published a “kill list” on the internet containing the PII for the United States government employees obtained by Ferizi from the U.S. company’s server.

Kampala Bombing Case: On July 11, 2010, during the World Cup Final, two members of al-Shabaab detonated suicide bomb devices at two locations in Kampala, Uganda, killing more than 76 people, including one American, and wounding scores of others, including four Americans. Since shortly after the bombing and up until a final verdict and sentencing in 2016, FBI personnel and DOJ prosecutors



assisted Ugandan authorities in the investigation and prosecution of this attack. Through committed investigative case work, the investigative team of the FBI JTTF, CIA, Ugandan, Kenyan, and Tanzanian law enforcement and intelligence services identified and arrested 15 individuals who planned, facilitated, and executed the attacks. In May 2016, a court in Uganda convicted eight defendants for their involvement in the attacks.

United States v. Sullivan: In November 2016, in the Western District of North Carolina, Justin Nolan Sullivan pled guilty to attempting to commit acts of terrorism transcending national boundaries, in violation of 18 U.S.C. §§ 2332b(a)(1) and (2). The plea agreement was submitted to the court under Rule 11(c)(1)(C) and Sullivan agreed to serve a term of life in prison.

On January 20, 2016, a grand jury returned an indictment charging Sullivan with attempting to provide material support to Islamic State of Iraq and al-Sham (ISIS), in violation of 18 U.S.C. § 2339B; transporting and receiving a silencer in interstate commerce with the intent to commit a felony, in violation of 18 U.S.C. § 924(b); receiving and possessing an unregistered silencer, unidentified by a serial number, in violation of 26 U.S.C. § 5861(d); possessing a stolen firearm, in violation of 18 U.S.C. §§ 922(j) and 924(a)(2); using interstate facilities in the attempted commission of a murder-for-hire, in violation of 18 U.S.C. § 1958; and two counts of making a false statement to an agency of the United States, in violation of 18 U.S.C. § 1001(a)(2). Subsequently, on August 16, 2016, a nine-count superseding indictment was returned. The Superseding Indictment added a count of conspiring to commit an act of terrorism transcending national boundaries and a count of attempting to commit an act of terrorism transcending national boundaries, both in violation of 18 U.S.C. § 2332b. The additional charges arose from Sullivan's coordination with the now-deceased, Syria-based ISIS member and attack facilitator, Junaid Hussain, regarding Sullivan's planned terrorist attack.

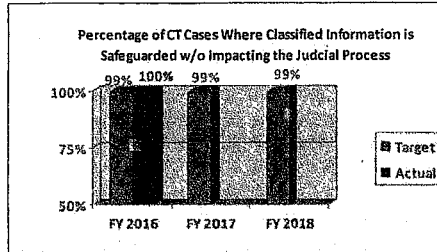
On or about June 6, 2015, an FBI undercover employee (UC) made contact with Sullivan. Sullivan told the UC that "the war is here," and gave the UC the opportunity to join what he called the "Islamic State of North America." During conversations over the ensuing days, Sullivan discussed his various attack concepts, and he stated his intention to obtain an AR-15 from a gun show on June 20-21, 2015. Sullivan asked the UC whether the UC would be able to construct a homemade silencer that could attach to an AR-15. When the UC responded affirmatively, Sullivan told the UC that he would need to have it made by the following week because he planned to use it that month. Sullivan further explained that he intended to conduct assassinations in order to train for his planned mass casualty attack on a bar, concert, or nightclub. Sullivan also told the UC about his plan to create a video of their attack to send to ISIS, in response to a tasking from Hussain. On June 19, 2015, Sullivan received the package containing the silencer at the home which he shared with his parents. After the package arrived, Sullivan's parents questioned him about the nature and purpose of the silencer. Sullivan hid the silencer in a crawl space where he had previously hidden a stolen .22 caliber rifle, mask, and lock-pick kit. A few hours later, Sullivan offered to compensate the UC for killing Sullivan's parents. Sullivan was arrested shortly thereafter.

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

FY 2016 Target: 99%
 FY 2016 Actual: 100%
 FY 2017 Target: 99%
 FY 2018 Target: 99%



Discussion: The FY 2018 target is consistent with previous fiscal years. NSD will support successful prosecutions by providing advice and assistance on the use of classified evidence through the application of the Classified Information Procedures Act (CIPA).



Data Definition: Classified information - information that has been determined by the U.S. Government pursuant to an Executive Order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data as defined by the Atomic Energy Act of 1954. Safeguarded - that the confidentiality of the classified information is maintained because the Government has proposed redactions, substitutions or summarizations pursuant to CIPA which the Court has accepted. Impact on the judicial process - that the Court does not exclude certain evidence, dismiss particular counts of the indictment, or dismiss the indictment as a remedy for the Government's insistence that certain classified information not be disclosed at trial.

Data Collection and Storage: Data collection and storage is manual.

Data Validation and Verification: Data validation and verification is accomplished via quarterly review by CTS Chief.

Data Limitations: None identified at this time.

Counterintelligence and Export Control (CE) Performance Report

Measure: Percentage of CE Defendants Whose Cases Were Favorably Resolved

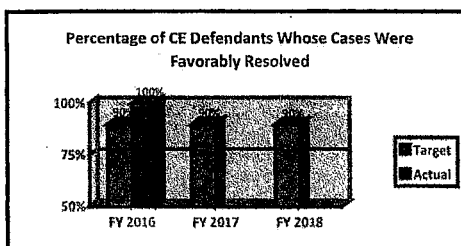
FY 2016 Target: 90%

FY 2016 Actual: 100%

FY 2017 Target: 90%

FY 2018 Target: 90%

Discussion: The FY 2018 target is consistent with previous fiscal years. Among the strategies that NSD will pursue in this area are: supporting and supervising the prosecution of espionage and related cases through coordinated efforts and close collaboration with Department leadership, the FBI, the IC, and the 94 USAOs; assisting in and overseeing the expansion of investigations and prosecutions into the unlawful export of military and strategic commodities and technology; and coordinating and providing advice in connection with cases involving the unauthorized disclosure of classified information.



Data Definition: Defendants whose cases were favorably resolved include those defendants whose cases were closed during the fiscal year that resulted in court judgments favorable to the government.

Data Collection and Storage: Attorneys provide data which is stored in the ACTS database.

Data Validation and Verification: Quarterly review of database records and data updates from CES attorneys in order to ensure that records are current and accurate.

Data Limitations: Reporting lags.

Highlights from Recent Counterintelligence and Export Control Cases

The following are highlights from recent counterintelligence and export control cases.

U.S. v. Mo Hailong et al.: In January 2016, in the Southern District of Iowa, Mo Hailong a/k/a “Robert Mo” pleaded guilty to conspiracy to steal trade secrets. Mo was employed as director of international business of the Beijing Dabeinong Technology Group Company. Mo admitted to participating in a long-term conspiracy to steal trade secrets from U.S. companies DuPont Pioneer and Monsanto. Mo further admitted to participating in the theft of inbred – or parent – corn seeds from fields in Iowa for the purpose of transporting those seeds to China. The stolen inbred seeds constituted valuable intellectual property of DuPont Pioneer and Monsanto. Mo was sentenced to 36 months’ imprisonment.

U.S. v. Buryakov (Conspiracy to Work for Russian Intelligence): In March 2016, in the Southern District of New York, Evgeny Buryakov pleaded guilty to conspiring to act in the United States as an agent of the Russian Federation without providing prior notice to the Attorney General. Beginning in at least 2012, Buryakov worked in the United States as an agent of Russia’s foreign intelligence service, known as the SVR. Buryakov operated under non-official cover, meaning he entered and remained in the United States as a private citizen, posing as an employee in the New York office of Vnesheconombank, a Russian bank. Buryakov worked in New York with at least two other SVR officers serving under official cover, exchanging intelligence-related information while shielding their associations with one another as SVR officers. Buryakov was sentenced to 30 months’ imprisonment.

U.S. v. Kun Shan Chun: In August 2016, in the Southern District of New York, Kun Shan Chun a/k/a “Joey Chun” pleaded guilty to acting in the United States as an agent of China without prior notification to the Attorney General. Chun worked at the FBI’s New York Field Office as an electronics technician with a Top Secret security clearance. Beginning in 2006, Chun received and responded to taskings from Chinese nationals (and at least one Chinese government official), some, if not all, of whom were aware that Chun worked at the FBI. On multiple occasions, at the direction of Chinese officials, Chun collected sensitive FBI information and caused it to be transmitted to the Chinese government official and others,



while at the same time engaging in a prolonged and concerted effort to conceal from the FBI his illicit relationships with these individuals. Chun was sentenced to 24 months' imprisonment and fined \$10,000.

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

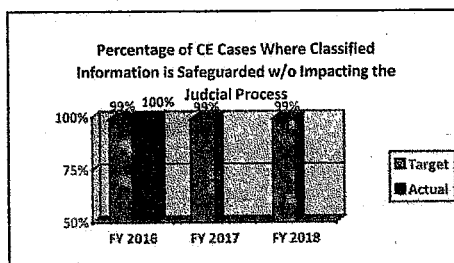
FY 2016 Target: 99%

FY 2016 Actual: 100%

FY 2017 Target: 99%

FY 2018 Target: 99%

Discussion: The FY 2018 target is consistent with previous fiscal years. NSD will support successful prosecutions by providing advice and assistance on the use of classified evidence through the application of the Classified Information Procedures Act (CIPA).



Data Definition: Classified information - information that has been determined by the United State Government pursuant to an Executive Order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data as defined by the Atomic Energy Act of 1954. Safeguarded - that the confidentiality of the classified information is maintained because the Government has proposed redactions, substitutions or summarizations pursuant to CIPA which the Court has accepted. Impact on the judicial process - that the Court does not exclude certain evidence, dismiss particular counts of the indictment, or dismiss the indictment as a remedy for the Government's insistence that certain classified information not be disclosed at trial.

Data Collection and Storage: CES attorneys provide data concerning CIPA matters handled in their cases as well as the status or outcome of the matters, which are then entered into the ACTS database.

Data Validation and Verification: Quarterly review of database records and data updates from CES attorneys in order to ensure that records are current and accurate.

Data Limitations: Reporting lags.

Measure: FARA Inspections Completed

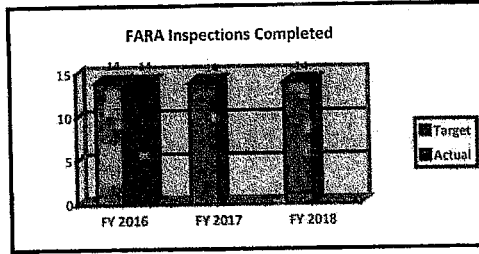
FY 2016 Target: 14

FY 2016 Actual: 14

FY 2017 Target: 14

FY 2018 Target: 14

Discussion: The FY 2018 target is consistent with previous fiscal years. Performing targeted inspections allows the FARA Unit to more effectively enforce compliance among registrants under the Foreign Agents Registration Act of 1938 (FARA).



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

Data Collection and Storage: Inspection reports are prepared by FARA Unit personnel and stored in manual files.

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

Data Limitations: None identified at this time.

Measure: High Priority National Security Reviews Completed

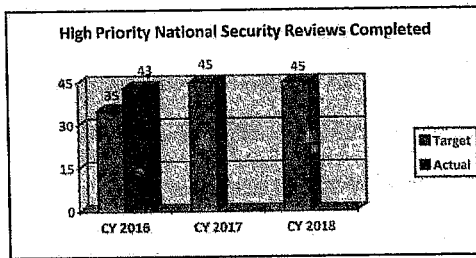
CY 2016 Target: 35

CY 2016 Actual: 43

CY 2017 Target: 45

CY 2018 Target: 45

Discussion: The CY 2018 target is consistent with previous fiscal years. To address potential national security concerns with foreign investment, NSD will continue to work with its partners to perform these high priority reviews.



Data Definition: High Priority National Security Reviews include: (1) CFIUS case reviews of transactions in which DOJ is a co-lead agency in CFIUS due to the potential impact on DOJ equities; (2) CFIUS case reviews which result in a mitigation agreement to which DOJ is a signatory; (3) Team Telecom case reviews which result in a mitigation agreement to which DOJ is a signatory; and (4) mitigation monitoring site visits.

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

Data Validation and Verification: Data is validated and verified by management.



Data Limitations: Given the expanding nature of the program area – a more centralized data system is desired.

Cyber Performance Report

Measure: Percentage of Cyber Defendants Whose Cases Were Favorably Resolved

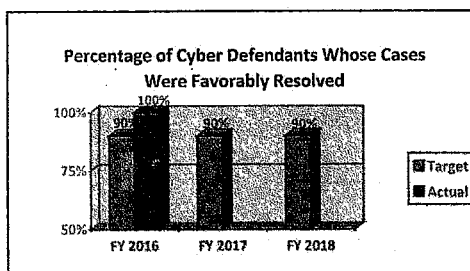
FY 2016 Target: 90%

FY 2016 Actual: 100%

FY 2017 Target: 90%

FY 2018 Target: 90%

Discussion: The FY 2018 target is consistent with previous fiscal years. Among the strategies that NSD will pursue in this area are: recruiting, hiring, and training additional cyber-skilled professionals. NSD also has substantially increased its engagement with potential victims of cyber attacks and the private sector in an effort to further detect, disrupt, and deter cyber threats targeting U.S. companies and companies operating in the U.S.



Data Definition: Defendants whose cases were favorably resolved include those defendants whose cases resulted in court judgments favorable to the government.

Data Collection and Storage: Data will be collected manually and stored in internal files.

Data Validation and Verification: Data validation and verification is accomplished via quarterly reviews done by CTS and CES.

Data Limitations: There are no identified data limitations at this time.

Highlights from Recent National Security Cyber Cases

The following are highlights from recent cyber cases.

U.S. v. Su Bin: In July 2016, in the Central District of California, Chinese national Su Bin was sentenced to 46 months in prison. In March 2016, Su pleaded guilty to one count of conspiring to gain unauthorized access to a protected computer and to violate the Arms Export Control Act by exporting defense articles on the U.S. Munitions List contained in the International Traffic in Arms Regulations. Su admitted that he conspired with two persons in China from October 2008 to March 2014 to gain unauthorized access to protected computer networks in the United States – including computers belonging to the Boeing Company in Orange County, California – to obtain sensitive military information and to export that information illegally from the United States to China.



U.S. v. Peter Romar et al: In September 2016, Peter Romar, a Syrian national affiliated with the Syrian Electronic Army (SEA), pleaded guilty to felony charges of conspiring to receive extortion proceeds and conspiring to unlawfully access computers. According to the plea, beginning in approximately 2013, Romar and a co-conspirator engaged in an extortion scheme that involved hacking online businesses in the U.S. and elsewhere for personal profit. Court documents further alleged that the conspiracy gained unauthorized access to the victims' computers and then threatened to damage computers, delete data, or sell stolen data unless the victims provided extortion payments to the co-conspirator or Romar. If a victim could not make extortion payments to the conspiracy's Syrian bank accounts due to sanctions targeting Syria, Romar acted as an intermediary in Germany to evade those sanctions.

U.S. v. Ardit Ferizi: In September 2016, Ardit Ferizi, a citizen of Kosovo, was sentenced to 20 years in prison for providing material support to the Islamic State in Iraq and ash-Sham (ISIS), a designated foreign terrorist organization, and accessing a protected computer without authorization and obtaining information in order to provide material support to ISIS. In June 2016, Ferizi pleaded guilty to gaining system administrator-level access to a server that hosted the website of a U.S. victim company. The website contained databases with personally identifiable information (PII) belonging to tens of thousands of the victim company's customers, including members of the military and other government personnel. Ferizi subsequently culled the PII belonging to U.S. military members and other government personnel, which totaled approximately 1,300 individuals. Ferizi then provided the PII belonging to the 1,300 U.S. military members and government personnel to Junaid Hussain, a now-deceased ISIS recruiter and attack facilitator. Ferizi and Hussain discussed publishing the PII of those 1,300 victims in a hit list.

B. Strategies to Accomplish Outcomes

Strategies for accomplishing outcomes within each of NSD's four program activities - Intelligence, Counterterrorism, Counterintelligence and Export Control, and Cyber Security - are detailed below.

Intelligence

NSD will continue to ensure that the IC is able to make efficient use of foreign intelligence information collection authorities, particularly pursuant to FISA, by representing the U.S. before the FISC. This tool has been critical in protecting against terrorism, espionage, and other national security threats. NSD will also continue to expand its oversight operations within the IC and develop and implement new oversight programs, promote ongoing communication and cooperation with the IC, and advise partners on the use of legal authorities.

Counterterrorism

NSD will promote and oversee a coordinated national counterterrorism enforcement program, through close collaboration with Department leadership, the National Security Branch of the FBI, the Intelligence Community, and the 94 U.S. Attorneys' Offices; develop national strategies for combating emerging and evolving terrorism threats, including the threats of homegrown violent extremists and cyber-based terrorism; consult, advise, and collaborate with prosecutors nationwide on international and domestic terrorism investigations, prosecutions, and appeals, including the use of classified evidence through the application of the Classified Information Procedures Act; share information with and provide advice to international prosecutors, agents, and investigating magistrates to assist in addressing international threat information and litigation initiatives; through international training programs provide capacity building for international counterparts; provide case mentoring to international prosecutors and law enforcement agents; and manage DOJ's work on counter-terrorist financing programs, including supporting the process



for designating Foreign Terrorist Organizations and Specially Designated Global Terrorists as well as staffing U.S. Government efforts on the Financial Action Task Force.

Counterintelligence and Export Control

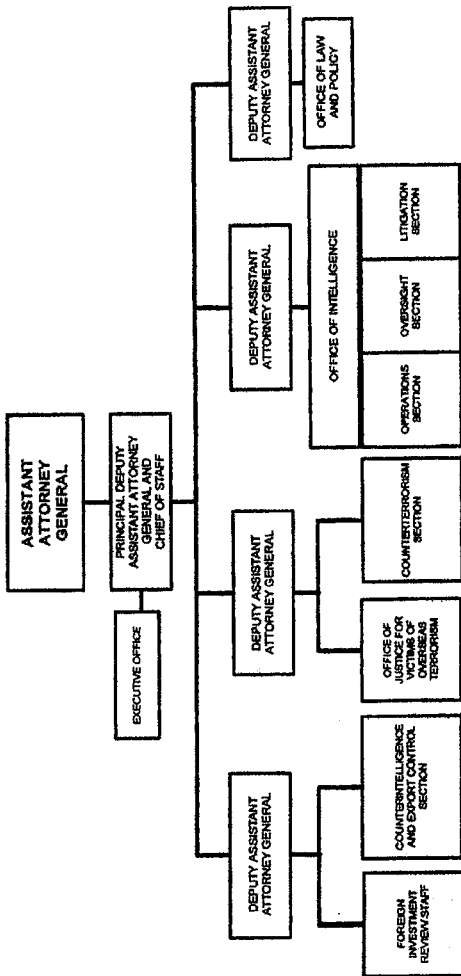
Among the strategies that the National Security Division will pursue in this area are: supporting and supervising the investigation and prosecution of espionage and related cases through coordinated efforts and close collaboration with Department leadership, the FBI, the Intelligence Community, and the 94 Offices of the U.S. Attorneys; implementing national strategies for combating the evolving threat of cyber-based espionage and state-sponsored cyber intrusions; overseeing and assisting the expansion of investigations and prosecutions for unlawful export of military and strategic commodities and technology, and violations of U.S. economic sanctions; coordinating and providing advice in connection with cases involving the unauthorized disclosure of classified information and supporting prosecutions by providing advice and assistance with application of the Classified Information Procedures Act; and enforcing the Foreign Agents Registration Act of 1938 and related disclosure statutes.

Cyber Security

Among the strategies that NSD will pursue in this area are: recruit, hire, and train additional skilled professionals to work on cyber matters; prioritize disruption of cyber threats to the national security through the use of the U.S. Government's full range of tools, including law enforcement, diplomatic, and intelligence methods; support and supervise the investigation and prosecution of national security-related computer intrusion cases through coordinated efforts and close collaboration with Department leadership, the FBI, the Intelligence Community, other inter-agency partners, and the 94 Offices of the U.S. Attorneys; coordinate and provide advice in connection with national security-related cyber intrusion cases involving the application of the Classified Information Procedures Act; promote legislative priorities that adequately safeguard national cyber security interests; and implement NSD's Strategic Plan for Countering the National Security Cyber Threat, which was adopted in January 2017.

A. Organizational Chart

NATIONAL SECURITY DIVISION



Approved by: 
 ERIC H. HOLDER, JR.
 Attorney General

Date: Jan. 7, 2015

B. Summary of Requirements

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

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted ^{1/}	393	353	95,000
Total 2016 Enacted	393	353	95,000
2017 Continuing Resolution	393	359	95,000
2017 Rescission - 0.1901%	0	0	-181
Total 2017 Continuing Resolution	393	359	94,819
Base Adjustments			
Pay and Benefits	-31	3	1,022
Domestic Rent and Facilities	0	0	5,189
Foreign Expenses	0	0	1
Total Base Adjustments	-31	3	6,212
Total Technical and Base Adjustments	-31	3	6,212
2018 Current Services	362	362	101,031
2018 Total Request	362	362	101,031
2017 - 2018 Total Change	-31	3	6,212

^{1/} FY 2016 FTE is actual

B. Summary of Requirements

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

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Technical and Base		FY 2018 Current Services	
	Positions	Actual FTE	Positions	Est. FTE	Positions	Est. FTE	Positions	Est. FTE
National Security	393	353	393	359	362	362	362	362
Total Direct	393	353	393	359	362	362	362	362
Balance Rescission		0		0		0		0
Total Direct with Rescission		353		359		362		362
Reimbursable FTE		0		0		0		0
Total Direct and Reimb. FTE		353		359		362		362
Other FTE:								
LEAP		0		0		0		0
Overtime		0		0		0		0
Grand Total, FTE		353		359		362		362

Program Activity	2018 Increases		2018 Offsets		2018 Request	
	Positions	Est. FTE	Positions	Est. FTE	Positions	Est. FTE
National Security	0	0	0	0	362	362
Total Direct	0	0	0	0	362	362
Balance Rescission		0		0		0
Total Direct with Rescission		0		0		0
Reimbursable FTE		0		0		0
Total Direct and Reimb. FTE		0		0		0
Other FTE:						
LEAP		0		0		0
Overtime		0		0		0
Grand Total, FTE		0		0		362

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments
 National Security Division
 Salaries and Expenses
 (Dollars in Thousands)

	Positions		Amount
	Estimate	FTE	
Pay and Benefits			
1 2018 Pay Raise - 1.9% This request provides for a proposed 1.9 percent pay raise to be effective in January 2018. The amount requested \$872,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$636,560 for pay and \$235,440 for benefits.)	0	0	872
2 Annualization of 2017 Pay Raise - 2.88% This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88 percent included in the 2017 President's Budget. The amount requested \$382,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$278,860 for pay and \$103,140 for benefits.)	0	0	382
3 Attrition and/or Administrative Savings To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	0	0	-578
4 Health Insurance Effective January 2018, the component's contribution to Federal employees' health insurance increases by 9 percent. Applied against the 2017 estimate of \$2,672, the additional amount required is \$258,000.	0	0	258
5 Position Right-sizing Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	-31	3	0
6 Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$88,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	88
Domestic Rent and Facilities			
1 GSA Rent	-31	3	1,022
Subtotal, Pay and Benefits			1,022
	0	0	2,060

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments
 National Security Division
 Salaries and Expenses
 (Dollars in Thousands)

	Positions	Estimate	Amount
		FTE	
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$2,060,000 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied.			
2 Moves	0	0	3,129
GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2018.			
Subtotal, Domestic Rent and Facilities	0	0	5,189
Foreign Expenses			
1 State Department Passport Costs	0	0	1
State Department Passport Costs Effective on October 1, 2016, DOS will begin charging \$110 per passport application to federal agencies for diplomatic, official, and no-fee regular passports provided to employees, contractors, and other individuals traveling abroad to carry out official duties of other federal agencies. The \$1,000 reflects a one-time increase to support this new charge.			
Subtotal, Foreign Expenses	0	0	1
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-31	3	6,212

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability
 National Security Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover		Recoveries/Refunds		FY 2016 Availability	
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Refunds Amount	Positions	Actual FTE	Amount
National Security	393	353	95,000	0	0	6,144	9,106	9,106	789	393	353	111,039
Total Direct	393	353	95,000	0	0	6,144	9,106	9,106	789	393	353	111,039
Balance Rescission												
Total Direct with Rescission												
Reimbursable FTE			95,000			6,144	9,106	9,106	789			111,039
Total Direct and Reimb. FTE		0			0							
Other FTE		353			0						353	
LEAP FTE		0			0						0	
Overtime		0			0						0	
Grand Total, FTE		353			0						353	

Transfers/Carryover/Recoveries: FY 2016 funds totaling \$16,039,114 represents a \$6,143,738 Transfer and a \$9,106,373 carryover for IT related projects and \$789,006 in recoveries.

Crosswalk of 2017 Availability
 National Security Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution			Reprogramming/Transfers			Carryover		Recoveries/Refunds		FY 2017 Availability	
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Amount	Amount	Amount	Positions	Est. FTE	Amount
National Security	393	359	94,819	0	0	0	6,156	0	0	393	359	100,975
Total Direct	393	359	94,819	0	0	0	6,156	0	0	393	359	100,975
Balance Rescission			0				0	0	0			0
Total Direct with Rescission			94,819				6,156	0	0			100,975
Reimbursable FTE		0										
Total Direct and Reimb. FTE		359										
Other FTE:												
LEAP FTE		0										
Overtime		0										
Grand Total, FTE		359										359

Carryover: The \$6,156,472 carryover is for IT related projects.

H. Summary of Reimbursable Resources

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

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Civil Rights Division	0	0	0	0	0	4	0	0	0	0	0	-4
Criminal Division	0	0	0	0	0	144	0	0	0	0	0	-144
Department of State	0	0	0	0	0	3	0	0	0	0	0	-3
Director of National Intelligence	0	0	0	0	0	208	0	0	0	0	0	-208
Federal Bureau of Investigation	0	0	293	0	0	162	0	0	0	0	0	-162
Office of Public Affairs	0	0	1	0	0	0	0	0	0	0	0	0
Financial Crimes Enforcement Network	0	0	163	0	0	99	0	0	0	0	0	-99
Office of Overseas Prosecutorial Development, Assistance & Training	0	0	45	0	0	347	0	0	0	0	0	-347
Office of Attorney Recruitment/Management	0	0	9	0	0	0	0	0	0	0	0	0
Office of Justice Programs	0	0	184	0	0	1,177	0	0	0	0	0	-1,177
U.S. Attorneys	0	0	26	0	0	0	0	0	0	0	0	0
The Foreign Agents Registration Act	0	0	327	0	0	0	0	0	0	0	0	0
Department of Defense - Military Commission	0	0	1,133	0	0	1,436	0	0	0	0	0	-1,436
Office of the Director of National Intelligence	0	0	338	0	0	0	0	0	0	0	0	0
Budgetary Resources	0	0	2,519	0	0	3,540	0	0	0	0	0	-3,540

Obligations by Program Activity	2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
National Security	0	0	2,519	0	0	3,540	0	0	0
Budgetary Resources	0	0	2,519	0	0	3,540	0	0	0

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
 National Security Division
 Salaries and Expenses
 (Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing		FY 2018 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Resolution Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Security Specialists (080)	4	0	4	0	0	0	0	3	0
Intelligence Series (132)	13	0	13	0	0	-2	0	11	0
Chemical and Office Services (0300-0399)	84	0	84	0	-16	0	0	68	0
Accounting and Budget (500-599)	8	0	8	0	-1	0	0	7	0
Paralegals/ Other Law (900-998)	15	0	15	0	0	0	0	15	0
Attorneys (905)	254	0	254	0	-11	0	0	243	0
Paralegal Specialist (0950)	0	0	0	0	-3	0	0	-3	0
Business & Industry (1100-1199)	1	0	1	0	0	0	0	1	0
Information Technology Mgmt. (2210-2299)	14	0	14	0	3	0	0	17	0
Total	393	0	393	0	-31	0	0	362	0
Headquarters Washington D.C.	390	0	390	0	-31	0	0	359	0
US Fields	3	0	3	0	0	0	0	3	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	393	0	393	0	-31	0	0	362	0

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

Object Class	FY 2016 Actual		FY 2017 Continuing		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Resolution Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	353	46,157	359	45,871	362	46,618	3	747
11.3 - Other than full-time permanent	0	1,138	0	1,025	0	1,025	0	0
11.5 - Other personnel compensation	0	657	0	57	0	57	0	0
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	495	0	0	0	0	0	0
Total	353	48,447	359	46,953	362	47,700	3	747
Other Object Classes								
12.1 - Civilian personnel benefits		14,564		13,884		14,160	0	276
21.0 - Travel and transportation of persons		1,416		1,652		1,652	0	0
22.0 - Transportation of things		50		108		108	0	0
23.1 - Rental payments to GSA		11,404		11,382		13,442	0	2,060
23.2 - Rental payments to others		239		237		3,365	0	3,128
23.3 - Communications, utilities, and miscellaneous charges		3,719		4,361		4,361	0	0
24.0 - Printing and reproduction		0		17		17	0	0
25.1 - Advisory and assistance services		2,270		1,833		1,833	0	0
25.2 - Other services from non-federal sources		11,115		8,275		2,119	0	-6,155
25.3 - Other goods and services from federal sources		8,803		10,464		10,465	0	1
25.6 - Medical care		36		38		38	0	0
25.7 - Operation and maintenance of equipment		218		226		226	0	0
26.0 - Supplies and materials		254		458		458	0	0
31.0 - Equipment		554		1,087		1,087	0	0
42.0 - Insurance claims and indemnities		49		0		0	0	0
Total Obligations		103,138		100,975		101,031	0	56
Net of:								
Unobligated Balance, Start-of-Year		-9,106		-6,156		0	0	6,156
Transfers/Reprogramming		-6,144		0		0	0	0
Recoveries/Refunds		-789		0		0	0	0
Balance Rescission		0		0		0	0	0
Unobligated End-of-Year, Available		6,155		0		0	0	0
Unobligated End-of-Year, Expiring		1,746		0		0	0	0
Total Direct Requirements		95,000		94,819		101,031	0	6,212
Reimbursable FTE	0		0		0		0	0
Full-Time Permanent								

General Legal Activities

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* Please refer to individual GLA component exhibits

I. Overview

The General Legal Activities (GLA) appropriation is requesting a total of 3,601 permanent positions, 4,374 FTE (including 793 reimbursable FTE) and \$899,000,000. This resource level includes program increases of 40 positions, 20 FTE, and \$3,674,000, outlined below. The FY 2018 request also includes net adjustments-to-base (ATBs) of -129 FTE and \$4,024,000. Specific details about individual programs are discussed in the budget justifications of the respective General Legal Activities components.

II. Summary of Program Changes**Civil Division**

Immigration Enforcement: 20 positions, 10 FTE and \$1.876 million

Environment & Natural Resources Division

Immigration Enforcement (Land Acquisition Section): 20 positions, 10 FTE, and \$1.798 million

III. Appropriations Language and Analysis of Appropriations Language

A. Appropriations Language

New language proposed for FY 2018 is *italicized and underlined*

Salaries and Expenses, General Legal Activities

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, [\$893,000,000] \$899,000,000, of which not to exceed \$20,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the amount provided for INTERPOL Washington dues payments, not to exceed \$685,000 shall remain available until expended: *Provided further*, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section [505]504 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed [\$9,358,000] \$9,340,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

B. Analysis of Appropriations Language

The FY 2018 request does not propose any changes in the General Legal Activities appropriations language.

IV. Program Activity Justification*

V. Program Increases by Item*

*Please refer to individual GLA component exhibits

B. Summary of Requirements

Summary of Requirements
 General Legal Activities
 Budgetary Expenses
 (Dollar in Thousands)

	FY 2018 Request	
	Direct Positions	FTE
2016 Enacted		893,000
2016 Balance Recession (if applicable)	4,148	3,574
Total 2016 Enacted (with Recession)		893,000
2017 Continuing Resolution	4,148	3,650
2017 Recession - 0.1801%		-1,695
Total 2017 Continuing Resolution (with Recession)		891,302
Base Adjustments		
Pay and Benefits	-597	-129
Domestic Rent and Facilities	0	0
Other Adjustments	0	0
Foreign Expenses	0	0
Capital Adjustments	0	0
Other Base Adjustments	-587	-128
Total Recession and Base Adjustments		-1,214
2018 Current Services	3,551	3,451
Program Changes:		
Increase:		
Civil Division	20	10
Environment & Natural Resources Division	20	10
Subtotal, Increase	40	20
Offset:		
Subtotal, Offsets	0	0
Total Program Changes	40	20
2018 Total Request	3,601	3,551
2018 Balance Recession (if applicable)		-899,000
2018 Total Request (with Recession)	3,601	899,000
2017 - 2018 Total Change	-547	-7,698

Note: The FTE for FY 2018 is actual and for FY 2017 and FY 2016 is estimated.

B. Summary of Requirements

Summary of Requirements
 General Legal Activities,
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	2018 Enacted			2017 Continuing Resolution			2018 Technical and Base Adjustments			2018 Current Services		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
	Conduct of Supreme Court proceedings	55	45	11,885	55	56	11,852	-7	-3	54	48	48
General tax matters	639	485	106,979	639	534	106,776	-140	-35	82	499	489	106,868
Criminal matters	768	664	181,745	768	693	181,396	-88	-3	819	680	680	182,218
Claims, customs and general civil matters	1,325	1,194	292,214	1,325	1,189	291,655	-205	-69	-1,764	1,120	1,120	288,874
Land, natural resources and Indian matters	537	542	110,512	537	526	110,502	-20	-6	3,498	517	517	113,800
Legal opinions	33	30	7,989	33	27	7,874	-1	5	36	32	32	8,010
Civil rights matters	714	552	146,239	714	606	147,957	-121	-13	168	593	593	148,125
INTERPOL, Washington	77	62	33,437	77	66	33,374	-5	3	1,161	72	72	34,525
Total Direct	4,148	3,674	893,000	4,148	3,690	891,302	-387	-129	4,024	3,681	3,681	895,326
Balance Rescission			0			0			0			0
Total Direct with Rescission			893,000			891,302			4,024			895,326
Reimbursable FTE		628			793			0				793
Total Direct and Reimb. FTE		4,202			4,483			-129				4,354
Other FTE: LEAP Overtime Grand Total, FTE		0			0			0				0
		0			0			0				0
		4,202			4,483			-129				4,354

Program Activity	2018 Increases			2018 Offsets			2018 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
	Conduct of Supreme Court proceedings	0	0	0	0	48	11,916	0	48
General tax matters	0	0	0	0	489	106,858	0	489	182,218
Criminal matters	0	0	0	0	660	182,218	0	660	291,750
Claims, customs and general civil matters	20	10	1,876	0	0	0	0	1,130	115,558
Land, natural resources and Indian matters	20	10	1,798	0	0	0	0	537	8,010
Legal opinions	0	0	0	0	0	0	0	32	148,125
Civil rights matters	0	0	0	0	0	0	0	593	34,525
INTERPOL, Washington	0	0	0	0	0	0	0	72	899,000
Total Direct	40	20	3,674	0	9	3,681	0	3,681	895,000
Balance Rescission			0			0			0
Total Direct with Rescission			3,674			3,681			895,000
Reimbursable FTE		0			0			793	
Total Direct and Reimb. FTE		20			0			4,374	
Other FTE: LEAP Overtime Grand Total, FTE		0			0			0	
		0			0			0	
		20			0			4,374	

F. Cr
 alk of 2016 Availability

Crosswalk of 2016 Availability
 General Legal Activities
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2018 Enacted			Reprogramming/Transfers			Carryover			Recoveries/Refunds			2018 Availability		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount
Conduct of Supreme Court proceedings	55	45	11,893	0	0	370	0	0	0	55	45	12,255	55	45	12,255
General tax matters	639	485	106,979	0	0	0	184	0	0	639	485	107,248	639	485	107,248
Criminal matters	768	864	181,745	0	0	750	13,463	0	0	768	864	185,004	768	864	185,004
Claims, customs and general civil matters	1,325	1,194	292,214	0	0	0	339	0	0	1,325	1,194	293,063	1,325	1,194	293,063
Land, natural resources and Indian matters	537	542	110,512	0	0	2,893	0	0	0	537	542	113,405	537	542	113,405
Legal opinions	33	30	7,989	0	0	0	0	0	0	33	30	8,089	33	30	8,089
Civil rights matters	74	92	149,439	0	0	2,000	3,912	0	0	74	92	154,151	74	92	154,151
INTERPOL Washington	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Automated Litigation Support	0	0	0	0	0	0	2,250	0	0	0	0	2,250	0	0	2,250
Total Direct	4,148	3,874	893,000	0	0	6,750	20,142	0	0	4,148	3,874	921,056	4,148	3,874	921,056
Balance Recession															
Total Direct with Recession			893,000			6,750	20,142					921,056			921,056
Reimbursable FTE		628			0									628	
Total Direct and Reim. FTE		4,202			0		20,142							4,202	
Other FTE		0			0									0	
LEAP		0			0									0	
Overtime		0			0									0	
Grand Total FTE		4,202			0		20,142							4,202	

Reprogramming/Transfers
 The total transfers of \$6,750M from GLA's prior years' unobligated balances to the ALS Account. Funding of \$6,025M was reallocated from GLA's ALS account to the Office of Solicitor General (\$47M), Criminal Division (\$750M), Environment (\$2.8M), and Civil Rights Divisions' ALS accounts (\$2M). Separately, there was a \$100,000 reprogramming of annual funding from OSC to OLC.

Carryover:
 Funds were carried over into FY 2018 from GLA's 2015 no-year account.

Recoveries:
 Direct recoveries from GLA's no-year ALS accounts total \$1,184M.

	FY 2018 Enacted			Carryover			2018 Availability		
	Actual FTE	Actual FTE	Amount	Actual FTE	Actual FTE	Amount	Actual FTE	Actual FTE	Amount
Criminal matters	309	309		0	0		309	309	
Claims, customs and general civil matters	182	182		0	0		182	182	
Land, natural resources and Indian matters	74	74		0	0		74	74	
Civil rights matters	92	92		0	0		92	92	
INTERPOL Washington	0	0		0	0		0	0	
Reimbursable FTE	628	628		0	0		628	628	

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
 General Legal Activities
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution			Reprogramming/Transfers			Carryover			Recoveries/Refunds			2017 Availability		
	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount
Conduct of Supreme Court proceedings	55	56	11,862	0	0	0	0	0	0	0	55	56	11,862	55	56
General tax matters	639	534	106,776	0	0	500	40	0	0	639	534	107,316	639	534	107,316
Criminal matters	768	683	181,389	(64)	(64)	0	0	0	0	768	683	180,020	768	683	180,020
Claims, customs and general civil matters	1,325	1,189	281,658	0	0	0	16	0	0	1,325	1,189	281,674	1,325	1,189	281,674
Land, natural resources and Indian matters	537	525	110,302	0	0	0	579	0	0	537	526	110,881	537	526	110,881
Legal opinions	33	27	7,874	0	0	0	0	0	0	33	27	7,974	33	27	7,974
Civil rights matters	714	606	147,857	0	0	0	5,788	0	0	714	606	153,745	714	606	153,745
INTERPOL, Washington	77	69	33,374	0	0	1,185	0	0	0	77	69	34,559	77	69	34,559
Automated Litigation Support	0	0	0	0	0	-500	2,900	0	0	0	0	2,480	0	0	2,480
Total Direct	4,148	3,690	891,302	(64)	(64)	1,185	16,024	0	0	4,148	3,690	908,511	4,148	3,690	908,511
Balance Reversion			0			0						0			0
Total Direct with Reversion			891,302			1,185	16,024					891,302			16,024
Reimbursable FTE		793			(64)									793	
Total Direct and Reimb. FTE		4,483			(64)									4,483	
Other FTE:															
LEAP		0			0									0	
Overtime		0			0									0	
Grand Total, FTE		4,483			(64)		16,024							4,483	

Reprogramming/Transfers
 Funding of \$500k was reallocated from GLA's ALS account to the Tax Division. Funding of \$1.185 million was transferred from INTERPOL unobligated prior years' balances to INTERPOL for dues costs.

Carryover:
 Funds were carried over into FY 2017 from GLA's 2016 no-year account.

Recoveries/Refunds:

Program Activity	FY 2017 Enacted			Carryover			2017 Availability		
	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount
Criminal matters		348						348	
Claims, customs and general civil matters		237						237	
Land, natural resources and Indian matters		115						115	
Civil rights matters		93						93	
Reimbursable FTE		793						793	

I. De Permanent Positions by Category

Detail of Permanent Positions by Category

General Legal Activities
Salaries and Expenses
(Dollars in Thousands)

Category	2016 Enacted		2017 Continuing Resolution			2018 Request			
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Miscellaneous Operations (010-059)	8	0	18	0	0	0	0	1	0
Security Specialists (080)	12	0	8	0	0	0	0	7	0
Intelligence Series (132)	1	0	0	0	0	0	0	0	0
Civil Rights Analyst (165)	19	5	19	5	2	0	0	17	2
Personnel Management (200-286)	43	2	50	2	0	0	0	43	2
Clerical and Office Services (300-398)	543	105	512	105	133	0	0	379	105
Accounting and Budget (500-556)	34	37	35	37	0	0	0	30	37
Architect (600)	10	0	10	0	0	0	0	0	0
Attorneys (605)	2,583	590	2,583	590	187	27	0	2,413	590
Paralegals/Other Law (900-988)	563	65	534	65	0	10	0	387	65
Information & Arts (1000-1088)	6	1	10	1	0	3	0	12	0
Business & Industry (1100-1196)	5	2	8	2	0	0	0	8	0
Forensic/Physical Sciences (1300-1389)	1	1	1	1	0	0	0	0	1
Library (1400-1499)	5	0	1	0	0	0	0	0	0
Mathematical Statistics (1528)	3	0	3	0	0	0	0	3	0
Equipment/Facilities Services (1600-1689)	2	0	2	0	0	0	0	2	0
Education/Training (1700-1789)	1	1	1	1	0	0	0	1	1
Inspection/Invest. Enforce. Analyst (1801)	6	0	18	0	3	0	0	15	0
Criminal Investigative Series (1811)	0	0	0	0	0	0	0	0	0
Supply Services (2000-2099)	0	0	0	0	0	0	0	0	0
Travel Services (2101)	71	1	68	1	0	0	0	64	1
Information Technology Mgmt (2210)	0	4	0	4	0	0	0	0	4
Motor Vehicle Operations (5703)	232	29	269	29	0	0	0	204	29
Other	4,148	843	4,148	843	587	40	0	3,601	843
Total	4,148	843	4,148	843	587	40	0	3,601	843
Headquarters (Washington, D.C.)	4,007	630	4,005	630	580	40	0	3,465	630
U.S. Field	128	16	127	16	7	0	0	120	16
Foreign Field	15	0	16	0	187	0	0	16	0
Total	4,148	843	4,148	843	587	40	0	3,601	843

Footnotes:

K. Summary of Requirements by Object Class
Summary of Requirements by Object Class
 General Legal Activities
 Salaries and Expenses
 (Dollars in Thousands)

Object Class	2018 Actual		2017 Availability		2018 Request		Increase/Decrease	
	Direct	Amount	Direct	Amount	Direct	Amount	Direct	Amount
11.1 Full-Time Permanent	3,476	395,594	3,546	391,444	3,439	390,752	-107	-842
11.3 Other than Full-Time Permanent	149	42,983	146	43,964	142	43,804	-2	-439
11.5 Other Personnel Compensation	0	9,463	0	8,817	0	8,486	0	-321
Overtime	0	1,192	0	158	0	219	0	60
Other Compensation	0	1,248	0	3,329	0	4,129	0	800
11.8 Special Personal Services Payments	0	1,636	0	4,058	0	3,976	0	-192
Total	3,624	448,279	3,692	447,893	3,581	448,928	-109	-785
Other Object Classes								
12.1 Civilian Personnel Benefits		739,072		198,770		138,385		1,695
13.0 Benefits for former Personnel		60		94		102		8
21.0 Travel and Transportation of Persons		16,338		17,368		19,072		769
22.0 Transportation of Things		3,080		3,793		3,971		182
23.1 Rental Payments to GSA		105,349		112,950		113,694		844
23.2 Rental Payments to Others		3,246		3,871		3,608		-263
23.3 Communications, Utilities, and Miscellaneous Charges		13,309		14,456		14,608		-148
24.0 Printing and Reproduction		1,490		1,513		1,710		35
25.1 Advisory and Assistance Services		26,070		21,231		17,303		-4,001
25.2 Other Services from Non-Federal Sources		87,192		89,002		82,679		-6,024
25.3 Other Goods and Services from Federal Sources		33,124		36,944		31,174		-5,010
25.4 Operation and Maintenance of Facilities		3,264		271		276		5
25.5 Research and Development Contracts		121		360		0		-360
25.6 Medical Care		240		368		963		645
25.7 Operation and Maintenance of Equipment		460		960		0		-960
25.8 Substances and Support of Persons		2,726		3,537		3,995		179
26.0 Supplies and Materials		7,118		5,068		6,894		1,616
31.0 Equipment		10,965		13,185		16,509		3,324
32.0 Land and Structures		126		14		0		-112
41.0 Grants, Subsidies, and Contributions		900,166		908,511		899,000		-9,511
42.0 Insurance Claims and Indemnities								
Total Obligations								
Net of:								
Unobligated Balance, Start-of-Year				-16,024		0		16,024
Transfers/Reprogramming				-5,750		0		5,750
Reverses/Reunds				-1,164		0		1,164
Balance Reclass				0		0		0
Unobligated End-of-Year, Available				16,024		0		-16,024
Unobligated End-of-Year, Expfing				4,846		0		-4,846
Total Direct Requirements				891,302		0		891,302
Reimbursable FTE								
Full-Time Permanent	628		793		793		0	
23.1 Rental Payments to GSA (Reimbursable)				0		0		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)				0		0		0



FY 2018 PERFORMANCE BUDGET

Congressional Submission



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I. Overview for the Office of the Solicitor General

Introduction

In FY 2018, the Office of the Solicitor General (OSG) requests a total of \$11,916,000 that funds 48 positions, including 23 attorney positions, and 48 FTE to meet its mission.

Mission/Background

The mission of OSG is to conduct all litigation on behalf of the United States and its agencies in the Supreme Court of the United States, to approve decisions to appeal and seek further review in cases involving the United States in the lower federal courts, and to supervise the handling of litigation in the federal appellate courts.

The original Statutory Authorization Act of June 22, 1870, states: "There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Solicitor General." As stated in 28 CFR 0.20, the general functions of the Office are as follows: (1) conducting or assigning and supervising all Supreme Court cases, including appeals, petitions for and in opposition to *certiorari*, briefs and arguments; (2) determining whether, and to what extent, appeals will be taken by the government to all appellate courts (including petitions for rehearing *en banc* and petitions to such courts for the issuance of extraordinary writs); (3) determining whether a brief *amicus curiae* will be filed by the government, or whether the government will intervene, in any appellate court, or in any trial court in which the constitutionality of an Act of Congress is challenged; and (4) assisting the Attorney General and the Deputy Attorney General in the development of broad Department program policy.

OSG is headed by the Solicitor General, who is appointed by the President and confirmed by the Senate. Within the attorney staff, there are 23 attorney positions. The attorneys prepare oral arguments, Supreme Court briefs, and other related legal materials. The 25 support staffers are organized into three sections which include Administration, Case Management as well as Research and Publication.

Challenges

OSG's overall mission and strategic objectives will essentially remain the same in FY 2017 and FY 2018. However, OSG faces a set of new expectations and additional responsibilities in response to the evolving case load in the U.S. Supreme Court and the federal courts of appeals.

The Solicitor General's docket, which mirrors the docket of the Supreme Court and the federal courts of appeals, covers a range of issues that are critical to our Nation's viability and economy. Many of the cases require careful attention and coordination within the government, as well as a difficult assessment of how to apply existing statutory schemes.

In recent years, healthcare and immigration cases have been at the heart of the Supreme Court's caseload. These cases require a substantial devotion of energy in order to understand the intricate statutory framework and to assimilate the wide range of views both inside and outside government as to the proper balance of interests in these cases.

Criminal cases likewise make up a large portion of the Court's caseload. Criminal defendants regularly challenge the reach of the substantive provisions of criminal law enacted by Congress. And the Court continues to wrestle in criminal cases with issues relating to the scope of constitutional protections in the context of emerging technologies. For example, in recent years, OSG argued *United States v. Jones*, which challenged the warrantless installation and use of a GPS tracking device on a respondent's vehicle to monitor its movements on public streets. OSG also argued *United States v. Wurie* and *Riley v. California*, which involved the government's authority to search cell phones incident to arrest. In preparation for these cases and others, and to ensure OSG is well-positioned, government attorneys spend substantial time and resources to understand the workings and limits of the new technologies.

The Solicitor General likewise defends the implementation of an expanding set of government programs and congressional enactments. Although the precise docket in FY 2018 is impossible to predict, experience suggests that OSG will continue to be involved in cases defining an array of federal statutes, including the Securities Act and the Securities Exchange Act, the Fair Labor Standards Act, the Labor Management Relations Act, the Clean Air Act, the Truth in Lending Act, and the Immigration and Nationality Act. In preparation for these cases, OSG attorneys engage in extensive coordination and consultation with the agencies that Congress has directed to implement these statutes.

Finally, OSG regularly handles important foreign affairs cases, including cases under the Alien Tort Statute and the Torture Victims Protection Act, as well as important constitutional cases. These cases can affect the structure of government and the relationship between the Branches, and they can have important consequences for the conduct of foreign affairs.

For FY 2018, OSG is requesting base funding of 48 positions (23 attorneys), 48 FTE and \$11,916,000 to accomplish its goals.

Following is a brief summary of the Department's Strategic Goals and Objectives in which OSG plays a role.

Full Program Costs

OSG has only one program—Federal Appellate Activity. Its program costs consist almost entirely of fixed costs, such as salaries and benefit, GSA rent, reimbursable agreements with other DOJ components, and printing.

Performance Challenges

External Challenges. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States responds in some way, either by filing a brief or, after reviewing the cases, waiving its right to do so. Additionally, the Supreme Court formally requests the Solicitor General to express the views of the United States on whether the Court should grant *certiorari* in a case in which the United States is not a party. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of *certiorari* filed by an adverse party, or participates as an *intervenor* or as *amicus curiae* is governed exclusively by the Solicitor General's determination that it is in the best interest of the United States to take such action. Further, such activity may vary widely from year to year, which limits the Office's ability to plan its workload.

The Office of the Solicitor General does not initiate any programs, but it is required to handle all appropriate Supreme Court cases and requests for appeal, *amicus*, or intervention authorization.

Internal Challenges. Prior Fiscal Year performance measures indicate a gradual increase in the number of cases the Solicitor General either participated in and/or responded. The arrival of cases related to the challenges discussed above further predicts an ever increasing caseload.

Environmental Accountability

OSG has incorporated green purchasing and recycling into its core business processes and continues to look for new and creative ways to integrate environmental accountability into its day-to-day decision making and long-term planning processes.

II. Summary of Program Changes

N/A

III. Appropriations Language and Analysis of Appropriations Language

N/A

IV. Program Activity Justification

A. Federal Appellate Activity

Federal Appellate Activity	Perm. Pos.	FTE	Amount
2016 Enacted	55	45	11,885
2017 Continuing Resolution	55	56	11,862
Adjustments to Base and Technical Adjustments	-7	-8	54
2018 Current Services	48	48	11,916
2018 Program Increases	0	0	0
2018 Program Offsets	0	0	0
2018 Request	48	48	11,916
Total Change 2017-2018	-7	-8	54

1. Program Description

The major function of the Solicitor General's Office is to supervise the handling of government litigation in the Supreme Court of the United States and in Federal appellate courts, to determine whether an amicus curiae brief will be filed by the government, and to approve intervention by the United States to defend the constitutionality of Acts of Congress.

The original Statutory Authorization Act of June 22, 1870, states: "There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Solicitor General." As stated in 28 CFR 0.20, the general functions of the Office are as follows: (1) conducting or assigning and supervising all Supreme Court cases, including appeals, petitions for and in opposition to *certiorari*, briefs and arguments; (2) determining whether, and to what extent, appeals will be taken by the government to all appellate courts (including petitions for rehearing *en banc* and petitions to such courts for the issuance of extraordinary writs); (3) determining whether a brief amicus curiae will be filed by the government, or whether the government will intervene, in any appellate court, or in any trial court in which the constitutionality of an Act of Congress is challenged; and (4) assisting the Attorney General and the Deputy Attorney General in the development of broad Department program policy.

This Office does not initiate any programs, have control of the Supreme Court litigation it is required to conduct, or determine the number of appeal and amicus authorizations it handles. Amicus filings often involve important constitutional or Federal statutory questions that will fundamentally affect the administration and enforcement of major Federal programs. Examples in recent Terms include cases presenting significant issues of criminal procedure (affecting the government's ability to succeed in prosecutions), as well as important issues under the civil rights laws (such as the Voting Rights Act and the Americans with Disabilities Act), the environmental laws (such as the Clean Water Act), and many others.

The following table provides a fiscal year snapshot of matters pending at the beginning of the Term of the Supreme Court, additional matters received, completed appellate determinations, certiorari determinations, miscellaneous recommendations, and oral arguments before the Supreme Court.

<i>FY</i>	<i>Supreme Court Term</i>	<i>Matters Pending</i>	<i>Adtl. Matters Received</i>	<i>Appellate Determinations</i>	<i>Certiorari Determinations</i>	<i>Miscellaneous Recommendations</i>	<i>Oral Arguments</i>
16	2015	403	2,437	417	610	561	57
15	2014	370	2,943	479	679	545	56
14	2013	389	3,684	528	663	541	60
13	2012	984	3,668	563	714	525	66

The figures on determinations and recommendations provided in this document do not directly correspond with the figures provided on the Office's Workload Measurement Tables. Our Workload Measurement Tables track our workload by case; these figures track our workload by determination. Often, the Office of the Solicitor General will receive a request for authorization that includes more than one potential outcome: for example, the Solicitor General may receive a request for authorization for rehearing en banc, or, in the alternative, for a petition for a writ of certiorari. In that case, the Solicitor General may make two determinations; (1) no rehearing and (2) no certiorari. Our Workload Measurement Tables reflect that as a single request; here, we have provided a separate accounting for each determination. Additionally, the figures provided in this document under "miscellaneous requests" include requests for authorization of settlement, for stays, and for mandamus, while the figures on the Performance Measurement Tables do not include such requests.

The figure for oral argument participation reflects the number of oral arguments the Office presented to the Supreme Court as a party, *amicus curiae*, or *intervener*; it does not reflect the total number of underlying cases for each of those arguments.

2. Performance and Resource

PERFORMANCE AND RESOURCES TABLE										
RESOURCES	Target		Target		Target		Changes		Requested (Total)	
	FY 2016	FY 2017	FY 2017	FY 2018 Request	FY 2017	FY 2018 Request	Current Services Adjustments and FY 2018 Program Changes	FY 2018 Request	FY 2018 Request	FY 2018 Request
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	56	11,885	56	11,862	54	11,916	-8	54	48	11,916
TYPE/ STRATEGIC OBJECTIVE	FY 2016		FY 2017		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
Program Activity	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Performance Measure: Output	56	11,885	56	11,862	56	11,862	-8	54	48	11,916
Performance Measure: Efficiency	3300		3300		3300				3300	
Performance Measure: Outcome	1400		1400		1400				1400	
Cases in which the Solicitor General Participated	3300		3300		3300				3300	
Requests to which the Solicitor General Responded	1400		1400		1400				1400	

PERFORMANCE MEASURE TABLE															
Performance Report and Performance Plan Targets		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Measure	Cases in which the Solicitor General Participated	3586		3246		3341		3500		3300		3300		3300	
Performance Measure	Requests to which the Solicitor General Responded	2567		1487		1495		2000		1400		1400		1400	
Performance Measure															
Efficiency Measure															
OUTCOME Measure															
N/A = Data unavailable															

2. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

Because the work of the Office is primarily governed by the Supreme Court's schedule, the Office tracks its workload by Supreme Court Term. Fiscal years roughly correspond to Supreme Court Terms, which run from July of the Term year through June of the next year.

The first performance measure reflects "cases in which the Solicitor General participated". During the 2015 (FY 2016) Supreme Court Term, the Solicitor General participated in cases and it is anticipated OSG will meet its target of cases in the 2016 (FY 2017) Term.

The second performance measure reflects "Requests for determinations regarding appeal, *certiorari*, or other matters to which the Solicitor General responded". During the 2015 (FY 2016) Supreme Court Term, the office responded to requests. It is anticipated OSG will meet its target of cases within the allotted reporting period.

The Office of the Solicitor General does not initiate any programs, have control over the number of Supreme Court cases it is required to handle, or determine the number of requests for appeal, amicus, or intervention authorizations it receives. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States is obliged to respond in some way, either by filing a brief or (after review of the case) waiving the right to do so. Additionally, the Office does not control the number of cases in which the Supreme Court formally requests the Solicitor General to express the views of the United States. Thus, performance measures may vary widely from year to year which increases the likelihood that OSG's actual measures will also vary widely from projected goals. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of *certiorari* filed by an adverse party, or participates as an intervenor or as amicus curiae is governed exclusively by the Solicitor General's determination that it is in the best interests of the United States to take such action.

b. Strategies to Accomplish Outcomes

To fulfill the Office of the Solicitor General's critical mission of representing the interests of the United States in the Supreme Court, the Office will devote all resources necessary to prevail in the Supreme Court. For FY 2018, OSG is requesting base funding of 48 positions, 48 FTE, and \$11,916,000 to accomplish its goals.

OSG has experienced a steady increase in Court related activities and has been called upon to assume responsibilities requiring a skilled workforce in furtherance of its mission. OSG attorneys have briefed and argued particularly difficult and technical civil and civil rights cases in the 2016-2017 term. Major cases included *Samsung Electronics Co. v. Apple* (patent law); *National Labor Relations Board v. SW General* (Federal Vacancies Reform Act); *Beckles v. United States* (Federal Sentencing Guidelines); *Jennings v. Rodriguez* (immigration detention); *Bethune-Hill v. Virginia State Board of Elections* (redistricting); *Ashcroft v. Abbasi* (*Bivens* liability); *Lee v. Tam* (Lanham Act); *Hernandez v. Mesa* (4th Amendment/cross-border shooting).

In the 2015-2016 term, major cases included *Fisher v. University of Texas* (affirmative action); *Federal Energy Regulatory Commission v. Electric Power Supply Association* (Federal Power Act); *Dollar General Corporation v. Mississippi Band of Choctaw Indians* (tribal jurisdiction);

Evenwel v. Abbott (one person, one vote); and *RJR Nabisco v. The European Community* (Racketeer Influenced and Corrupt Organization Act (“RICO”)). Major criminal cases such as *McDonnell v. United States*, *United States v. Bryant*, and *Birchfield v. North Dakota*, have necessitated funding to continue to meet the challenges of our mission.

In the 2014-2015 term, major cases included *Zivotofsky v. Kerry* (executive authority to recognize foreign sovereigns); *Equal employment Opportunity Commisison v. Abercrombie & Fitch Stores* (Civil Rights Act); *Utility Air Regulatory Group v. Environmental Protection Agency* (Clean Air Act); *Johnson v. United States* (Armed Career Criminal Act).

c. Priority Goals

OSG’s general goals for FY 2018 are as follows:

Representing the interests of the United States in the Supreme Court.

Devote all resources necessary to prevail in the Supreme Court.

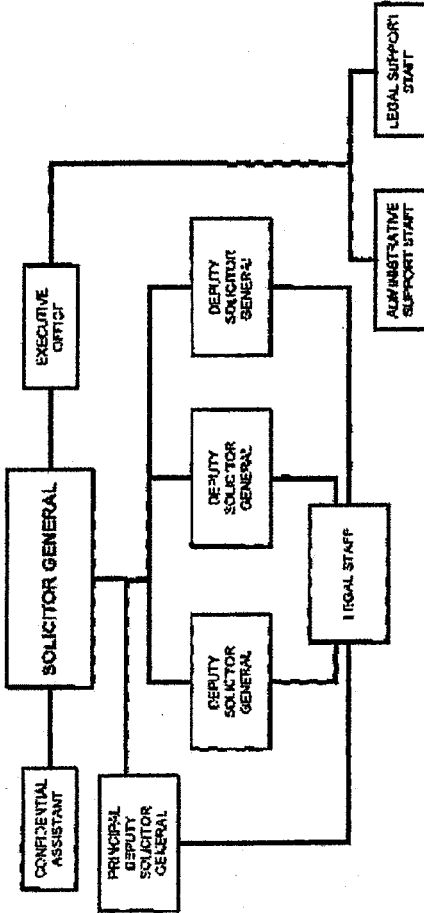
V. Program Increases by Item:

N/A

VI. Program Offsets by Item:

N/A

OFFICE OF THE SOLICITOR GENERAL



Date: AUG. 23, 2012

ERIC H. HOLDER, JR.
Attorney General

Approved by

B. Sub. Summary of Requirements

Summary of Requirements
Office of the Solicitor General
Salaries and Expenses
(Dollars in Thousands)

	FY 2018 Request		Amount
	Positions	Estimate FTE	
2016 Enacted ^{1/}	55	45	11,885
Total 2016 Enacted	55	45	11,885
2017 Continuing Resolution	55	56	11,885
2017 Rescission - 0.1901%	0	0	-23
Total 2017 Continuing Resolution	55	56	11,862
Base Adjustments			
Pay and Benefits			18
Domestic Rent and Facilities	-7	-8	33
Other Adjustments	0	0	3
Total Base Adjustments	-7	-8	54
Total Technical and Base Adjustments	-7	-8	54
2018 Current Services	48	48	11,916
2018 Total Request	48	48	11,916
2017 - 2018 Total Change	-7	-8	54

^{1/} FY 2016 FTE is actual

B. Summary of Requirements

Summary of Requirements
 Office of the Solicitor General
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			FY 2017 Continuing Resolution			FY 2018 Technical and Base			FY 2018 Current Services		
	Positions	Actual FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Federal Appellate Activity	55	45	11,885	55	56	11,862	54	48	11,916	48	48	11,916
Total Direct	55	45	11,885	55	56	11,862	54	48	11,916	48	48	11,916
Balance Rescission			0			0			0			0
Total Direct with Rescission			11,885			11,862			54			11,916
Reimbursable FTE			0			0			0			0
Total Direct and Reimb. FTE		45			56			-8			48	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		45			56			-8			48	

Program Activity	2018 Increases			2018 Offsets			2018 Request		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Federal Appellate Activity	0	0	0	0	0	0	48	48	11,916
Total Direct	0	0	0	0	0	0	48	48	11,916
Balance Rescission			0			0			0
Total Direct with Rescission			0			0			11,916
Reimbursable FTE			0			0			0
Total Direct and Reimb. FTE			0			0			48
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		0			0			48	

Justifications for Technical and Base Adjustments
 Office of the Inspector General
 Salaries and Expenses
 (Dollars in Thousands)

e. Justification for Technical and Base Adjustments

	Positions	Estimate	Amount
		FTE	
Pay and Benefits			
1 2018 Pay Raise - 1.9% This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount requested, \$144,000, represents the pay for 3/4 of the fiscal year plus appropriate benefits (\$103,680 for pay and \$40,320 for benefits).	0	0	144
2 Annualization of 2017 Pay Raise - 2.88% This pay annualization represents first quarter amount (October through December) of the 2017 pay increase of 2.88%, included in the 2017 Appropriation. The amount requested \$57,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$41,040 for pay and \$15,960 for benefits).	0	0	57
3 Attrition and/or Administrative Savings To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	0	0	-247
4 Health Insurance Effective January 2018, the components contribution to Federal employees' health insurance increases by 9.0 percent. Applied against the 2017 estimate of \$401,000 the additional amount required is \$36,000.	0	0	36
5 Position Requiring Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	-7	-8	0
6 Realignment Agency retirement contributions increase as employees under CSRS refine and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$28,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	28
Domestic Rent and Facilities			
1 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 \$32,000 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.	-7	-8	18
2 Guard Service This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$1,000 is required to meet these commitments.	0	0	32
Other Adjustments			
1 Security Investigations The requested increase of \$3,000 is required to meet these commitments.	0	0	3
Subtotal, Domestic Rent and Facilities	0	0	33
Other Adjustments			
1 Security Investigations	0	0	3
Subtotal, Other Adjustments	0	0	3
TOTAL DIRECT TECHNICAL AND BASE ADJUSTMENTS	-7	-8	54

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability
 Office of the Solicitor General
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted		Reprogramming/Transfers		Carryover		Recoveries/Refunds		FY 2016 Availability	
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Positions	Actual FTE
Federal Appellate Activity	55	45	11,885	0	0	370	0	0	55	45
Total Direct	55	45	11,885	0	0	370	0	0	55	45
Balance Rescission			0							
Total Direct with Rescission			0							
Reimbursable FTE			11,885			370				
Total Direct and Reimb. FTE			11,885			370				
Other FTE:										
LEAP FTE										
Overtime										
Grand Total FTE		45								45

Reprogramming/Transfers:

\$470k funding was reallocated from GLA's ALS account to the Office of Solicitor General. Separately, there was a \$100,000 reprogramming of annual funding from OSG to OLC.

Carryover:

Recoveries/Refunds:

G. Cross . of 2017 Availability
Crosswalk of 2017 Availability
 Office of the Solicitor General
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution		Reprogramming/Transfers		Carryover Amount	Recoveries/Refunds Amount	FY 2017 Availability	
	Positions	Est. FTE	Amount	Est. FTE			Positions	Est. FTE
Federal Appellate Activiti	55	56	11,862	0	0	0	55	56
Total Direct	55	56	11,862	0	0	0	55	56
Balance Rescission			0					
Total Direct with Rescission			0					0
Reimbursable FTE		0	11,862		0	0		11,862
Total Direct and Reimb. FTE		56						56
Other FTE:								
LEAP FTE		0						0
Overtime		0						0
Grand Total FTE		56						56

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

1. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Office of the Solicitor General
Salaries and Expenses
(Dollars in Thousands)

Category	FY 2018 Enacted		FY 2017 Continuing Resolution		FY 2018 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Clerical and Office Services (5000-0399)	16	0	16	0	0	-7	0	9	0
Accounting and Budget (500-599)	1	0	1	0	0	0	0	1	0
Paralegals/ Other Law (500-998)	11	0	11	0	0	0	0	11	0
Attorneys (905)	23	0	23	0	0	0	0	23	0
Information & Arts (1000-1099)	3	0	3	0	0	0	0	3	0
Information Technology Mgmt. (2210-2299)	1	0	1	0	0	0	0	1	0
Total	55	0	55	0	0	-7	0	48	0
Headquarters Washington D.C	55	0	55	0	0	-7	0	48	0
US Fields	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	55	0	55	0	0	-7	0	48	0

K. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Office of the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

Object Class	FY 2016 Actual		FY 2017 Continuing		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Resolution Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	45	4,851	56	5,670	48	5,350	-8	-320
11.3 - Other than full-time permanent	0	647	0	504	0	518	0	14
11.5 - Other personnel compensation	0	476	0	140	0	220	0	80
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	0	0	0	0	0	0	0
Total	45	5,974	56	6,314	48	6,088	-8	-226
Other Object Classes								
12.1 - Civilian personnel benefits		1,650		1,736		1,643		-93
21.0 - Travel and transportation of persons		19		25		21		-4
22.0 - Transportation of things		79		123		66		-57
23.1 - Rental payments to GSA		1,393		1,848		1,518		-330
23.2 - Rental payments to others		100		100		100		0
23.3 - Communications, utilities, and miscellaneous charges		106		142		152		10
24.0 - Printing and reproduction		181		207		236		-29
25.1 - Advisory and assistance services		230		219		246		27
25.2 - Other services from non-federal sources		1,904		374		1,135		761
25.3 - Other goods and services from federal sources		376		433		493		60
25.6 - Medical care		5		5		5		0
25.7 - Operation and maintenance of equipment		16		33		41		8
26.0 - Supplies and materials		91		124		121		-3
31.0 - Equipment		50		150		80		-70
Total Obligations		12,174		11,862		11,916		54
Net of:								
Unobligated Balance, Start-of-Year		0		0		0		0
Transfers/Reprogramming		-370		0		0		0
Recoveries/Refunds		0		0		0		0
Balance Rescission		0		0		0		0
Unobligated End-of-Year, Available		0		0		0		0
Unobligated End-of-Year, Expiring		81		0		0		0
Total Direct Requirements		11,885		11,862		11,916		54
Reimbursable FTE	0		0		0		0	
Full-Time Permanent								

**Tax Division
United States Department of Justice**

FY 2018 Congressional Budget



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I. Overview for Tax Division

A. Introduction

The Tax Division has one purpose: to enforce the nation's tax laws fully, fairly, and consistently, through both criminal and civil litigation. To accomplish this, the Tax Division requests a total of 499 permanent positions (377 attorneys), 499 full-time equivalent (FTE) work years and \$106,858,000 for FY 2018. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

The United States engages with all Americans through our tax system. We ask our citizens, residents, and those who earn income in this country to report their confidential financial information annually and to self-assess and pay their tax liabilities. These tax collections then fund government services, from national defense to national parks. The United States has an obligation to ensure fair and consistent enforcement of our tax laws. We owe each person and business complying with the tax laws a commitment to enforce the laws against those who do not comply. We also owe every taxpayer the assurance that our tax laws will be enforced on a consistent basis throughout the nation. Meeting these obligations is the Tax Division's central mission.

The Tax Division contributes to tax law enforcement by:

- Ensuring fair and uniform enforcement of tax laws;
- Encouraging voluntary compliance with tax laws through salutary effects of civil and criminal litigation and immediate and long-term financial impacts of cases;
- Defending IRS employees against charges arising from the conduct of their official duties; and
- Lending expertise to the enforcement of other laws with financial aspects.

The Tax Division represents the United States in virtually all litigation – civil and criminal, trial and appellate – arising under the internal revenue laws, in all state and federal courts except the United States Tax Court. To assist the Internal Revenue Service (IRS or the Service) in effectively enforcing the tax laws, Tax Division litigators must support the Service's investigations and determinations in civil cases and prosecute criminal violations of the revenue laws. Tax Division civil litigators enforce the Service's requests for information in ongoing examinations, and collect and defend tax assessments when the Service's examinations are complete. The Civil sections of the Tax Division have, on average, nearly 7,000 civil cases in process annually. In any given year, the Tax Division's civil appellate attorneys handle about 700 civil appeals, about half of which are from decisions of the Tax Court, where IRS attorneys represent the Commissioner. To help achieve uniformity in nationwide standards for criminal tax prosecutions, the Tax Division's criminal prosecutors authorize almost all grand jury investigations and prosecutions involving violations of the internal revenue laws. Alone or in conjunction with Assistant United States Attorneys, Tax Division prosecutors investigate and prosecute these crimes. Between FY 2014 and FY 2016, the Division authorizes between 1,300 and 1,800 criminal tax investigations annually.

The Tax Division's litigation activities are an indispensable part of our Nation's tax system. The Division contributes to tax enforcement in many ways: by the immediate and long-term financial impact of its cases; by the salutary effect our civil and criminal litigation has on voluntary compliance with the tax laws; by ensuring fair and uniform enforcement of the tax laws; by defending IRS employees against

charges arising from the conduct of their official duties; and by lending the financial-crimes expertise of our tax prosecutors to the enforcement of other laws with financial aspects.

1. **Financial Impact: Immediate as well as Long-Term.** The Division is currently defending refund suits that collectively involve over \$10.0 billion dollars.¹ This amount measures only the amount involved in the lawsuits themselves. It does not include the amounts at issue with the same taxpayers for other years or the amounts at issue with other taxpayers who will be bound by the outcome of the litigation. Decisions in the Division's cases may reduce the need for future administrative and judicial tax proceedings, by creating binding precedents that settle questions of law that govern millions of taxpayers. Moreover, millions more dollars are saved each year because the Division successfully defends the Government against many tax-related suits brought by taxpayers and third parties.
2. **Improving Voluntary Compliance.** The Tax Division's high litigation success rate (higher than 90%) has an enormous effect on voluntary tax compliance.² By law, the IRS cannot make public the fact of an IRS audit, or its result. By contrast, the Tax Division's important tax litigation victories receive wide media coverage, leading to a significant multiplier effect on voluntary compliance.³ Efforts of the IRS and the Tax Division are having a positive effect on voluntary compliance. According to the most recent survey by the IRS Oversight Board, 86 percent of those surveyed think it is "not at all" acceptable to cheat on taxes.⁴ The public attitude that it is not at all acceptable to cheat on your income taxes increased between 2011 and 2013 from 84 percent to 86 percent, while tolerance for tax cheating dropped from 14 percent to 12 percent. Also, the Commissioner's Offshore Voluntary Disclosure Initiatives, operating alongside the Division's ongoing criminal and civil enforcement actions concerning unreported offshore accounts, have resulted in an unprecedented number of taxpayers – over 55,800 since 2009 – attempting to "return to the fold" by paying back taxes, interest and penalties totaling approximately over \$10 billion dollars. As an integral part of the IRS's enforcement efforts, the Tax Division contribute to the nation's ability to collect over \$3 trillion in taxes each year.⁵
3. **Fair and Uniform Enforcement of Tax Law.** The Tax Division plays a major role in assuring the public that the tax system is enforced uniformly and fairly. Because the Division

¹ See IRS Data Books 2016, <http://www.irs.gov/uac/SOI-Tax-Stats-Data-Book>, Table 27.

A widely regarded study concluded that the marginal indirect revenue-to-cost ratio of a criminal conviction is more than 16 to 1. While no comparable study of civil litigation exists, the same research suggests that IRS civil audits -- the results of which are not publicly disclosed -- have an indirect effect on revenue that is more than 10 times the adjustments proposed in those audits. Alan H. Plumley, *The Determinants of Individual Income Tax Compliance*, pp. 35, 40, Internal Revenue Service Publication 1916 (1996).). Another predicts that an additional dollar allocated to civil audits would return \$67 in general deterrence, while an additional dollar allocated to criminal investigation results in \$55 of deterrence. Jeffrey A. Dubin, *The Causes and Consequences of Income Tax Noncompliance* 256 (2012).

³ "The IRS ... found that taxpayers who heard about IRS audit activity via the media [rather than through word of mouth] were less likely to cheat..." Leandra Lederman, *The Interplay Between Norms and Compliance*, 64 Ohio. St. L. J. 1453, 1494-95 (2003), quoting Robert M. Melia, *Is the Pen Mightier than the Audit?*, 34 Tax Notes 1309, 1310 (1987).

⁴ See IRS Oversight Board 2014 Taxpayer Attitude Survey, December, 2014, <http://www.treasury.gov/irsob/reports/Pages/default.aspx>.

⁵ See Internal Revenue Service Data Book, 2014, Table 1, <http://www.irs.gov/uac/SOI-Tax-Stats-IRS-Data-Book>.

independently reviews the merits of each case the Internal Revenue Service requests be brought or defended, it is able to ensure that the Government's litigating positions are consistent with applicable law and policy. An observation about the Division made nearly 75 years ago still rings true today: "[T]he Department of Justice, as the Government's chief law office, is in a position to exercise a more judicial and judicious judgment. With taxes forming a heavy and constant burden it is essential that there be this leavening influence in tax litigation. Next to the constant availability of the courts, the existence of the Division is the greatest mainstay for the voluntary character of our tax system."⁶

4. ***Defending IRS Officials and the United States against Damage Suits.*** The Tax Division effectively defends IRS agents and officers, and the Government itself, against unmeritorious damage suits. Without successful representation of the quality provided by the Division, these suits could cripple or seriously impair effective tax collection and enforcement.
5. ***Expertise in Complex Financial Litigation.*** The Division's investigations, prosecutions, and civil trials often involve complex financial transactions and large numbers of documents. The Division is able to use the unique expertise its attorneys have developed in litigating complex tax cases to assist in other important areas of law enforcement, including:

Fighting terrorism as part of the Joint Terrorism Task Force, by investigating and prosecuting people and organizations that funnel money to terrorists;

Combating financial fraud;

Reducing drug trafficking as part of the Organized Crime and Drug Enforcement Task Force (OCDEF); and investigating public corruption by working on prosecution teams with attorneys from various United States Attorney's Offices and the Department's Criminal Division.

B. Full Program Costs

The FY 2018 budget request assumes 72% of the Division's budget and expenditures can be attributed to its Civil Tax Litigation and Appeals and 28% percent to Criminal Tax Prosecution and Appeals based on historical caseload. This budget request incorporates all costs, including mission costs related to cases and matters, mission costs related to oversight and policy, and overhead.

C. Environmental Accountability

The Tax Division has in place existing policies to incorporate environmental accountability in its day-to-day operations. These include green purchasing policies such as:

Mandating the purchase of recycled paper products (copier/printer paper, paper towels) and;

Training and written guidance on green purchasing for those employees responsible for purchasing office supplies.

⁶ Lucius A. Buck, *Federal Tax Litigation and the Tax Division of the Department of Justice*, 27 Va. L. Rev. 873, 888 (1940).

In addition, the Tax Division reduces waste and environmental impact by:

- Setting the default on printers to two-sided printing;
- Placing recycling bins for paper, glass, aluminum, and plastic in central locations and providing paper recycling containers for individual employee use;
- Recycling used printer cartridges;
- Promoting distribution of documents in electronic format only;
- Promoting scanning instead of photocopying;
- Recycling cell phones, laptops, computers and computer battery packs and;
- Sensitive materials are shredded and recycled.

The Division continues to work to reduce the environmental impact of its buildings. The Division is working with each building's Property Manager as they pursue LEED Certifications for their facilities through the General Services Administration and U.S. Green Building Counsel. On May 25, 2012, the Patrick Henry Building earned a Prestigious "LEED Silver Certification. Tax-occupied space in the Judiciary Center Building has been retrofitted with energy-efficient light fixtures and light bulbs, and motion sensors have replaced light switches throughout the Patrick Henry Building. The Division works with construction and maintenance contractors to use green materials whenever possible. ~

D. Performance Challenges

The Tax Division faces two serious and immediate challenges to the accomplishment of its mission.

External – Reducing the Tax Gap amid Increasing Globalization

The IRS collects more than \$3.3 trillion annually⁷. Enforcement actions brought in almost \$37.4 billion for 2016⁸. The IRS estimates that the annual tax gap – the difference between taxes owed and taxes paid voluntarily and timely – is \$450 billion or approximately two thirds of the FY 2018 Defense budget request. The IRS Oversight Board cited "Enforcement programs allow the IRS to further voluntary compliance, help reduce the estimated \$450 billion tax gap, and provide much needed dollars to the federal purse."⁹ Improving compliance is the number one priority in the IRS Strategic Plan. The problem is intensified by the growing speed in financial globalization, which has expanded the opportunities for assets and income to be easily hidden offshore.

Reducing the tax gap will require increased enforcement. The challenge is to narrow that gap in a manner that not only collects the revenue due, but also assures the public that enforcement actions are vigorous, fair, and uniform.

⁷ Internal Revenue Service Data Book Table 1 Collections and Refunds, by Type of Tax, 2016.

⁸ Internal Revenue Service Data Book Table 16 Delinquent Collection Activities, 2016.

⁹ IRS Oversight Board, FY 2015 Budget Recommendation, Special Report, May 2014.

Internal – Retaining an Experienced Workforce to Handle Complex Litigation

It is expected that the Division's cases – both civil and criminal – will continue to become increasingly complex, as the IRS focuses its enforcement efforts on offshore issues, tax-related cyber crimes and on taxpayer populations with more sophisticated tax issues, such as flow-through entities, high-income individuals, and corporations.

It remains a challenge for the Tax Division to retain highly trained and experienced attorneys who can serve effectively as lead counsel in our most complex cases. The existing caseload, coupled with increased IRS enforcement, will likely lead to an increase in the numbers of these highly complex cases over the next three years.

II. Summary of Program Changes

No program changes.

III. Appropriations Language and Analysis of Appropriations Language

No substantive changes proposed.

IV. Program Activity Justification

A. General Tax Matters

<i>General Tax Matters</i>	Direct Pos.	Estimate FTE	Amount
2016 Enacted	639	485	106,979
2017 Continuing Resolution	639	534	106,776
Adjustments to Base and Technical Adjustments	-140	-35	82
2018 Current Services	499	499	106,858
2018 Program Increases	0	0	0
2018 Program Offsets	0	0	0
2018 Request	499	499	106,858
Total Change 2017-2018	-140	-35	82

General Tax Matters-Information Technology Breakout (of Decision Unit Total)	Direct Pos.	Estimate FTE	Amount
2016 Enacted	11	11	7,478
2017 Continuing Resolution	11	11	5,620
Adjustments to Base and Technical Adjustments	0	0	0
2018 Current Services	11	11	7,082
2018 Program Increases	0	0	0
2018 Program Offsets	0	0	0
2018 Request	11	11	7,082
Total Change 2017-2018	0	0	0

1. PROGRAM DESCRIPTION

a) Civil Tax Litigation

The Tax Division is responsible for litigating all matters arising under the internal revenue laws in all state and federal trial courts, except the Tax Court, and in appeals from all trial courts, including the Tax Court. Tax Division trial attorneys defend the United States in suits relating to the tax laws, including refund suits, tax shelter cases, and other suits seeking monetary or other relief. Tax Division trial attorneys also bring suits that the IRS has requested, including suits to stop tax scam promoters and preparers; suits to collect unpaid taxes; and suits to allow the IRS to obtain information needed for tax enforcement. Tax Division civil appellate attorneys represent the United States in all appeals from trial court decisions.

Defending the United States

Tax cases filed against the United States comprise approximately 66% of the Division's civil caseload, in terms of both the number of cases litigated and the number of attorney work hours devoted to them each year. These lawsuits include requests for tax refunds, challenges to federal tax liens, claims of unauthorized disclosure, and allegations of wrongdoing by IRS agents. The Division's

representation of the government in these defensive suits saves the Treasury hundreds of millions of dollars annually, both by retaining money that taxpayers seek to recover and by fending off unjustified damage claims. The Division handles a panoply of important defensive cases, such as:

Sunoco, Inc. v. United States (Fed. Cl.). On November 22, 2016, the Court of Federal Claims denied Sunoco a refund of over \$306 million for tax periods between 2005 and 2009. In each of the tax periods in suit, Sunoco paid fuel excise taxes under I.R.C. § 4081 and received excise-tax credits for alcohol fuel mixtures under I.R.C. § 6426. In its original income-tax returns, when Sunoco included fuel excise-tax expenses in its cost-of-goods sold, Sunoco reduced its excise-tax liabilities by the alcohol fuel mixture credits it claimed. Sunoco thereafter, however, filed refund claims asserting that it was entitled to include the gross gasoline excise-tax liabilities in its income-tax cost-of-goods sold, without reducing those excise-tax liabilities by the tax credits that it took against those liabilities. The Government argued that Sunoco's claim is based on an interpretation of § 6426 that is erroneous as a matter of law, and the Court of Federal Claims agreed. Relatedly, this same issue arises in a refund suit filed in the Northern District of Texas by Exxon Mobil Corporation. Moreover, reports suggest that refund claims with this issue have a potential tax impact, industry-wide, of \$8 billion.

Nextera Energy, Inc. v. United States (S.D. Fla.). On March 24, 2017, a district court ruled that Nextera Energy was not entitled to a \$90 million tax refund because it cannot carryback as "specified liability losses," payments it made to the Department of Energy under the Nuclear Waste Policy Act. Section 172(f), which expands the two-year period to carryback net operating losses, permits a longer period for amounts paid to satisfy a liability under federal or state law requiring decommissioning of a nuclear power plant. Nextera claimed that section 172(f) applied to the fees it paid to the DOE. The fees were based on the electricity Nextera sold and funded DOE's national program (Yucca Mountain) for disposal of spent fuel rods used by plant operators to produce electricity. In rejecting Nextera's claim, the district court held that the fees Nextera paid the DOE (1) were not a cost of decommissioning a plant (analogizing Nextera's claim to the disposal of waste from a naval vessel that remains in service), and if they were; (2) were not traceable to any specific act of waste disposal. Rather, Nextera was legally obligated to pay fees based upon the amount of electricity it produced, while the statutory obligation to dispose of the waste produced in the production of electricity produced belongs to DOE.

Wells Fargo & Co. v. United States (D. Minn.). On November 17, 2016, after a 3-week trial, a Minnesota jury decided that Wells Fargo was not entitled to hundreds of millions of dollars in tax benefits that Wells Fargo claimed based on its participation in an abusive tax shelter known as Structured Trust Advantaged Repackaged Securities (STARS). The jury was asked to determine whether Wells Fargo's STARS tax shelter had economic substance, and the jury made some key factual findings through a special verdict form. Wells Fargo contended that STARS was a single, integrated transaction that resulted in low-cost funding, but the jury found that in reality, the transaction consisted of two economically distinct and independent transactions: a loan and a trust. The jury found that the trust structure had no reasonable potential for pretax profit and that Wells Fargo entered into the trust structure solely for tax reasons. The court instructed the jury to find that the \$1.25 billion loan had a possibility of pretax profit, but, still, the jury found that Wells Fargo lacked a nontax business purpose for the loan which Wells Fargo used to camouflage the tax scheme. Before the Court enters final judgment, it needs to decide the legal issues of whether penalties apply and whether a taxpayer is required to satisfy both prongs of the economic substance test in order for its transaction to survive a challenge. The court has issued a briefing schedule, and a decision is expected in 2017.

There are three groups of recent defensive cases that have been filed with respect to the IRS's handling of applications for section 501(c) tax-exempt status: (1) damage/injunction actions; and (2) challenges under the Administrative Procedure Act (APA); and (3) Freedom of Information Act (FOIA) actions.

1. Damages/Injunctive actions. Four cases in which plaintiffs seek injunctive relief and damages against the United States in various forms are: *Linchpins of Liberty et al. v. United States et al.* (D.D.C. – D.C. Cir.), *NorCal Tea Party Patriots v. IRS et al.* (S.D. Ohio–6th Cir.), *True the Vote, Inc. v. IRS et al.* (D.D.C. – D.C. Cir.), and *Freedom Path, Inc. v. Lerner et al.* (S.D. Tex).

Initially, the district court dismissed claims in *True the Vote* and *Linchpins*, both stemming from the IRS's alleged targeting of tax-exempt status applications based on the applicants' viewpoints, seeking declaratory and injunctive relief under the APA and/or directly under the Constitution and other claims. On appeal, the D.C. Circuit affirmed in part and reversed in part. The Court reversed the District Court's determination that the plaintiffs' claims for equitable relief were moot and affirmed the dismissal of the plaintiffs' other claims. After the case returned to the district court, the United States moved for summary judgment on mootness grounds, and the court has *True the Vote* and *Linchpins* to conduct limited discovery while the motion is pending.

In *NorCal*, the Government's motion to dismiss was partially granted and discovery has commenced, including class action discovery and depositions of IRS personnel. The class action suit claims that IRS employees improperly inspected the applications and related materials submitted by applicants for Sec. 501(c)(3) and (c)(4) status. Plaintiffs claim that as a result of the alleged "targeting scheme," IRS employees were not acting with a tax administration purpose when reviewing the plaintiffs' applications, and that the inspections violated Sec. 6103. Extensive discovery has been undertaken and it continues. Summary judgment deadline is June 29, 2017.

In *Freedom Path*, its motion for partial summary judgment is pending. *Freedom Path* contends that the "facts and circumstances" test in *Rev. Rul. 2004-6* used by the IRS to determine whether a group has engaged in an "exempt function" and, thus, may have taxable income violates the First and Fifth Amendments. *Freedom Path* also seeks a declaratory judgment that the IRS "targeting scheme" violated its First Amendment rights and damages for the accidental disclosure of its confidential information to *Pro Publica*.

2. Administrative Procedure Act (APA). The plaintiff in *Z Street v. Koskinen* (D.D.C. - D.C. Cir.) claims that the IRS was discriminating against its application for tax-exempt status under an alleged "Israel special policy," in violation of the First Amendment. The district court denied our motion to dismiss, which asserted that, *inter alia*, the suit was barred by the Anti-Injunction Act or the Declaratory Judgment Act. We sought and received an interlocutory appeal, and on June 19, 2015, the D.C. Circuit affirmed the district court's decision. After the case returned to the district court, the court has stayed the matter to enable the parties to explore settlement.
3. Freedom of Information Act (FOIA). Various plaintiffs have filed suits under FOIA seeking documents relating to the IRS's selection and examination of section 501(c) applications.

Cumulatively, Cause of Action, Judicial Watch, and other organizations filed nearly a dozen FOIA suits seeking information related to 501(c) applications. The outcomes of these suits vary and include in some instances: court ordered dismissal, joint dismissal after document production, and rolling continuous production of responsive documents.

Shutting Down Tax-Fraud Schemes and Fraudulent Return Preparers

The Tax Division has a successful program to put tax-fraud promoters and fraudulent tax preparers out of business. Some of the cases involved parallel criminal proceedings as well. The promoters sued range from tax defiers selling frivolous packages that falsely promise to eliminate customers' income tax entirely, to lawyers and accountants selling sophisticated, complex tax shelters to wealthy business owners. In one recent example, the Tax Division obtained injunctions against the alleged promoter of an abusive timeshare donation scheme and several of his associates and businesses. In *United States v. Tarpey, et al.* (D. Mon.), the government alleges that James Tarpey's donation scheme encouraged customers to donate their unwanted timeshares to Tarpey's business on the false promise of tax-savings in return, i.e. charitable contribution deductions. The government alleged that the defendants unlawfully overvalued the timeshares by using inflated appraisals in exchange for high processing fees. On March 30, 2017, the district court enjoined the last of the defendants from involvement with charitable contribution deductions claimed on federal tax returns.

The Division also supports the IRS's assessments of penalties against promoters. In one recent example, *Estate of Richard Siegal v. United States* (E.D.N.Y.), the United States is seeking a judgment for the IRS's assessment of more than \$32 million in penalties against Richard Siegal who promoted an alleged abusive tax shelter, based upon an oil and gas investment scheme, that led to his customers claiming more than \$1.3 billion in bogus tax deductions.

Since 2000, Tax Division attorneys have obtained injunctions against more than 500 tax-fraud promoters and return preparers. This number represents a dramatic increase over the 1990s, when the total number of promoters and preparers enjoined barely reached 25 for the entire decade. The schemes the Division has enjoined during the past several years had cost the Federal Treasury more than \$2 billion and placed an enormous administrative burden on the IRS. If permitted to continue unchecked, these schemes would undermine public confidence in the integrity of our tax system, and require both the IRS and the Tax Division to devote tremendous resources to detecting, correcting, and collecting the resulting unpaid taxes.

Tax Division lawyers have, for many years, participated in IRS training classes and conferences to help agents and Chief Counsel attorneys learn about the injunction process and how to conduct an investigation that leads to a successful injunction referral.

In the past few years, the Division has litigated a number of significant injunction suits. In March 2017, a federal court barred Jason Stinson, the owner of a tax return preparation business with stores in four states: Alabama, Florida, Georgia, and North Carolina, from owning a tax return preparation business and preparing tax returns, among other prohibitions. In *United States v. Stinson* (M.D. Fla.), the court also ordered Stinson to disgorge nearly \$950,000 in fees he received from improper and fraudulent tax return preparation.

In recent years the Tax Division has brought disgorgement claims, in addition to seeking injunctive relief, against promoters and preparers. Notably, in September 2014, we filed 8 suits against

Walner G. Gachette, the founder of Orlando-based tax preparation company LBS Tax Services, seven LBS Tax Services franchisees (including Jason Stinson), and three LBS Tax Services managers from owning, operating, or franchising a tax return preparation business and preparing tax returns for others. LBS Tax Services cases (M.D. Fla & S.D. Fla). According to the complaints, in 2013, LBS Tax Services operated at least 239 stores (192 owned by the named defendants) in Florida, North Carolina, South Carolina, Georgia, Texas, Tennessee, Alabama and Mississippi. LBS Tax Services prepared more than 55,000 federal income tax returns in 2013, according to our suits. And the IRS estimated that the tax loss from the fraudulent practices at defendants' LBS stores for the 2012 tax year alone is in the tens of millions of dollars, according to the complaints. In November 2016, a federal court enjoined Gachette from preparing returns and owning a return preparation business, in addition to entering a \$5 million disgorgement judgment against him for the fees he received from preparing returns.

Additionally, the Division enforces injunctions it has obtained, and courts have held enjoined return preparers in civil contempt for violating the bar on preparing tax returns. For example, in *United States v. Edmond* (W.D. Tenn.), in April 2016, a federal court held a return preparer, Stephanie Edmond, and her husband, Kevin Williams in civil contempt for violating an injunction barring them from preparing tax returns. The court ordered each to turn over to the United States all of the fees they received from preparing federal tax returns in violation of the ban, and when Williams failed to do so, jailed him for a short period of time.

Assisting with IRS Information Collection and Examinations

Individuals or businesses sometimes seek to thwart an IRS investigation by refusing to cooperate with IRS administrative summonses requesting information. When that happens, the IRS frequently asks the Tax Division to bring suit in federal court for an order to compel compliance with the summons. These judicial proceedings enable the government to obtain needed information, while also providing important procedural and substantive rights to those affected by the summons.

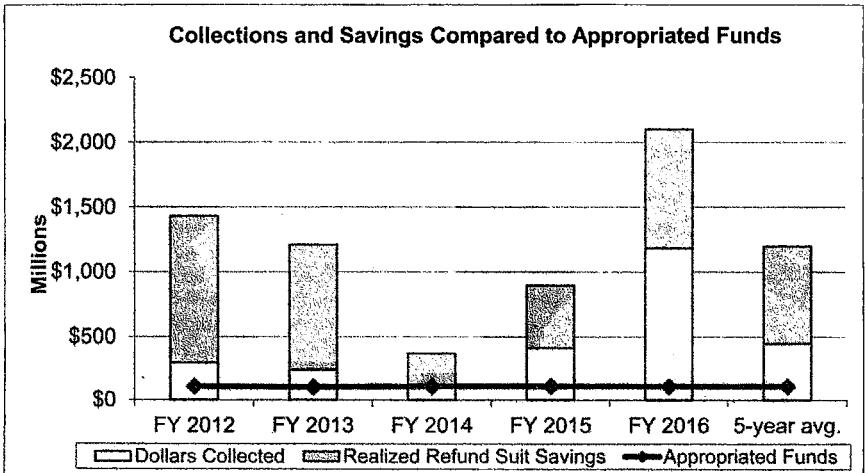
For example, in *United States v. Facebook, Inc.* (N.D. Cal.), the United States filed a petition seeking enforcement of summons issued to Facebook, Inc. in July 2016. The petition sought enforcement of seven summonses seeking information about agreements between Facebook, Inc., and Facebook Ireland Holdings Limited, in which Facebook purported to transfer rights associated with its worldwide business, except for the United States and Canada, to Facebook Ireland Holdings. The information sought in the summonses may be relevant to determining the value of the transferred intangible property rights. On November 17, 2016, the court entered a stipulated case management order enforcing the summonses in this enforcement proceeding.

Another example involves the IRS's request to obtain information about United States persons who for a certain period of time conducted transactions in convertible virtual currency. To obtain this information from a virtual currency exchanger called Coinbase, the Tax Division filed an *ex parte* petition seeking authorization to issue a John Doe summons to Coinbase. The IRS uses John Doe summonses to obtain information about possible tax law violations by individuals whose identities are unknown. On November 30, 2016, a federal court granted the government's petition for leave to serve a John Doe summons on Coinbase. Afterwards, the Tax Division filed a petition to enforce this summons on Coinbase on March 16, 2017. The case is *United States v. Coinbase, Inc.* (N.D. Cal.) and litigation of the case continues.

In addition to these cases, a federal court in Montana, on January 18, 2017, issued an order authorizing the IRS to serve a John Doe summons upon Michael Behr to obtain information about U.S. taxpayers who may hold offshore accounts established by Sovereign Management & Legal LTD (SML), a Panamanian entity. Specifically, the IRS sought records of U.S. taxpayers who, during the years 2005 to 2016, had been issued a “Sovereign Gold Card” debit card that could be used to access the funds in those accounts in such a manner as to evade their obligations under internal revenue laws.

Collecting Unpaid Taxes

The Division collects unpaid tax liabilities, including income tax, employment tax, and a variety of penalties, by bringing affirmative civil litigation against delinquent taxpayers. Most of the affirmative collection suits that the Division handles are factually complex and time-consuming – debts that the IRS has been unable to collect administratively and that frequently involve fraudulent transfers of property or other unlawful attempts by taxpayers to conceal their income or assets or to delay the proceedings. Despite these difficulties, Tax Division attorneys collected over \$1.1 billion in taxes, interest, and penalties in FY 2016. Indeed, the Division’s affirmative litigation typically brings in more each year than the Division’s entire budget, as illustrated by the following chart and has averaged \$447 million from FY 2012 to FY 2016.



In FY 2008 as part of its continuing efforts to improve its post-judgment collection efforts, the Division, created a Financial Litigation Unit, which is staffed by three-to-five attorneys (some on details from other civil trial sections) and four paralegals that work under the supervision of the Office of Review.

One particularly notable collection case involved a suit for the failure to file Reports of Foreign Bank and Financial Accounts (“FBAR”). These penalties help prevent the use of offshore accounts for tax evasion. Accordingly, ensuring that the penalties are collected is an important (and growing) part of

the Division's caseload. For example, in *United States v. Dominique Colliot* (W.D. Tex.), the Tax Division filed suit to obtain a judgment for FBAR penalties in the amount of \$917,446 plus a 10% statutory surcharge for debt collection in December 2016. After filing suit, the court issued a pre-judgment writ of garnishment to UBS Financial Services, Inc., ordered Colliot to instruct UBS to liquidate assets as necessary to generate \$1,126,016 in cash, and ordered UBS to segregate and hold those funds until further instruction from the court.

In addition to bringing collection cases for FBAR penalties, the Tax Division brings suits to collect unpaid employment taxes. In some instances, the Tax Division will also seek a court order enjoining employers from failing to meet their employment tax obligations. In 2016, the Tax Division obtained employment tax injunctions against 38 employers—more than double the number of injunctions obtained in 2015. Since January 1, 2017, the Tax Division filed 17 suits, collectively seeking more than \$10 million in unpaid employment taxes, against tax-delinquent medical-care providers who, despite IRS notices and efforts to collect, have been non-compliant for three or more quarters, despite persistent attempts by the IRS to remind them of their obligations and to collect the unpaid taxes.

Protecting the Government's Interest in Tax-Related Bankruptcy Litigation

Division attorneys have also handled a number of tax-related bankruptcy matters, including:

In re Samuel Wyly (Bankr. N.D. Tex.). On May 10, 2016, the bankruptcy court issued a 450-page opinion finding that business moguls Sam and Charles Wyly had committed tax fraud over a period of years (1992 through the present) using a series of offshore trusts. The Wylys funded the trusts by transferring assets, such as stock options in companies they owned, to U.S. corporations. In exchange, the corporations purportedly promised to pay the Wylys annuities in the future. As soon as the corporations were funded, they transferred both the assets and the obligations to pay the annuity to offshore entities, including trusts created in the Isle of Man. Following a judgment against them for securities fraud in the Southern District of New York, Sam Wyly and Charles Wyly's widow, Caroline "Dee" Wyly, filed Chapter 11 proceedings in Dallas October 2014 and immediately filed motions to determine their tax liabilities under 11 U.S.C. § 505. The IRS, which had not audited the years covered by the fraud, had to examine more than 20 years (1992-2013) of income tax returns, determine the debtors' liability for gifts made over these years, and calculate the debtors' liability for "international penalties" for failing to file the proper forms to disclose relationships with offshore trusts. The IRS proof of claim was filed on April 15, 2015, just six months after the filing of the bankruptcies. The court held a three-week trial in January 2016, followed by a day and a half of oral arguments in the following week. On June 27, 2016, the court entered final judgments in the consolidated bankruptcy proceedings, holding Sam Wyly liable for approximately \$1.1 billion in income taxes, penalties, and interest and Caroline "Dee" Wyly, Charles Wyly's widow, liable for approximately \$37 million in income and gift taxes and interest.

In re Warner (Bankr. N.D. Ohio). On April 14, 2017, the bankruptcy court granted the United States' motion for summary judgment regarding a Chapter 7 debtor's interest, prior to a divorce decree, in her non-debtor spouse's Thrift Savings Plan ("TSP") retirement account. At the time of the bankruptcy, the debtor had a pending divorce action in state court. No divorce decree had been entered yet, nor had the state court entered an order approving a property settlement between the debtor and her spouse, nor had a qualifying retirement benefits court order ("QRBCO") been entered. The court held that the debtor's beneficiary interest in the TSP

account was not property of the bankruptcy estate pursuant to 11 U.S.C. § 541(c)(2) and the TSP statute's anti-alienation provision. The court then held that the debtor's "equitable claim" to distribution of plan assets prior to issuance of a divorce decree is a contingent interest in property which is exempt from the trustee's administration under both Ohio and federal bankruptcy exemption statutes. The court also held that even if the debtor had only a pre-divorce decree "equitable claim" to distribution of TSP assets, the bankruptcy court cannot compel the debtor or the state court to issue a QRBCO with the trustee as direct payee, relying on the TSP regulation's restrictions on who can be a payee, and on bankruptcy courts' deference to state courts regarding family law matters.

In re Fernando A. Villarreal & Suzanne Villarreal (Bankr. S.D. Ohio). On December 27, 2016, the Bankruptcy Court entered an Order sustaining the United States' objection to the debtors' claim of a \$265,000 homestead exemption to the extent the debtor sought to protect the proceeds from the sale of the Villarreals' residence by the Chapter 7 Trustee from payment to the United States for the Villarreals' non-dischargeable assessed tax debts. The Court found that, although the majority of the United States' claim was not a secured claim, because no notice of tax lien had been filed prior to the petition, the assessment liens that arose under I.R.C. § 6321 attached to the proceeds of any future sale by the Trustee that were attributable to the homestead exemption. The Court further held that, to the extent that any portion of the United States' claim was for non-dischargeable taxes, the United States could enforce its assessment liens against the proceeds of the homestead exemption and have the Trustee pay the portion of the proceeds attributable to the homestead exemption to the United States to satisfy the non-dischargeable taxes.

B) Appellate

Civil Appellate Cases

During FY 2016, the Appellate Section litigated approximately 600 tax appeals before the United States Courts of Appeals and a variety of state appellate courts, and won (in whole or in part) over 95% of taxpayer appeals and 80% of Government appeals. In the Supreme Court, the Appellate Section helped to craft the Government's ultimately successful position regarding the permissibility and effect of "structured dismissals" in bankruptcy. In *Czyzewski v. Jevic Holding Corp.*, by a 6-2 vote, the Supreme Court held that Bankruptcy Courts do not have the authority to approve "structured dismissals" that, without the consent of affected creditors, do not follow the ordinary priority rules of the Bankruptcy Code. The Court held the Code's priority system "has long been considered fundamental," and that its importance "leads us to expect more than simple statutory silence if, and when, Congress were to intend a major departure." The Court specifically rejected the suggestion that such departures should be permitted in "rare cases"; the Court said that such an exception would swallow the rule, because many litigants would argue that their cases are rare. The Court's decision will have a significant impact in preserving federal tax claims in bankruptcy.

At the court of appeals level, the Appellate Section has won a series of important victories involving foreign tax credit generator shelters, including the Structured Trust Advantaged Repackaged Securities (STARS) shelter. These shelters were designed to allow a U.S. taxpayer to claim approximately \$2 in foreign tax credits for every \$1 of out-of-pocket expense. In such transactions, the taxpayer circulated U.S. income through a trust in a way that subjected the income to U.K. tax and then claimed foreign tax credits based on that tax. At the same time, a U.K. bank acquired a formal interest

in the trust, which allowed it to recoup most of the U.S. taxpayer's U.K. tax by claiming certain U.K. benefits, including a U.K. tax credit for the same U.K. tax for which the U.S. taxpayer claimed foreign tax credits. The bank then shared these tax credits with the taxpayer through "rebate" payments. The transaction also featured a large loan to the U.S. taxpayer, which the taxpayer claimed as its reason for engaging in the transaction. In *Salem Financial v. United States*, the Federal Circuit upheld the disallowance of nearly \$500 million in foreign tax credits, reasoning that the U.K.-trust component of the transaction was "artificial[]" and had an "unlimited capacity to generate gains, without any additional exposure or commitment of resources." In *Bank of New York Mellon Corp. v. Commissioner*, the Bank of New York utilized the STARS shelter to generate over \$500 million in tax benefits. The Second Circuit upheld the disallowance of the foreign tax credits, and, in the course of its opinion, confirmed that the economic substance doctrine applied to transactions involving foreign tax credits. Most recently, in *Santander Holding USA, Inc. & Subsidiaries v. United States*, the taxpayer challenged the IRS's disallowance of foreign tax credits stemming from the tax shelter, seeking a refund of nearly \$234 million in taxes, interest, and penalties. The First Circuit concluded that the STARS transaction lacked economic substance, emphasizing that when a transaction is designed to produce tax gains instead of real gains, "it is an act of tax evasion that, even if technically compliant, lies outside of the intent of the Tax Code . . ." The Supreme Court has denied petitions for writs of certiorari regarding the first two appellate decisions, although a petition relating to *Santander* is currently pending.

The Appellate Section also achieved significant victories relating to other types of tax shelters. In *Russian Recovery Fund Ltd. v. United States*, the Federal Circuit disallowed a \$49.8 million loss generated by a distressed asset/debt (DAD) tax shelter and sustaining the applicability of a 40-percent accuracy-related penalty. The Federal Circuit upheld the IRS's determination that the key elements of the transaction lacked economic substance, and that the taxpayer failed to establish reasonable reliance on professional advice, as would negate the penalty. Appellate scored important victories in intermediary tax shelter cases, in which, as a general matter, a taxpayer, who owns a company holding property with large built-in tax liability sells his shares to an intermediary that pays the taxpayer a premium for the shares, immediately sells the corporate property, and then dissolves the company without paying the resulting liability. In *Cullifer v. Commissioner*, the Eleventh Circuit held Cullifer liable as a transferee for tax liabilities resulting from an intermediary tax shelter. In *Stuart v. Commissioner*, the Eighth Circuit vacated an unfavorable decision of the Tax Court, which had declined to consider whether the shelter transaction should be recharacterized under substance-over-form principles applicable to Nebraska fraudulent-conveyance law, and remanded for consideration of the relevant state law.

Other significant victories include *Nacchio v. United States*, in which the Federal Circuit reversed the unfavorable judgment of the Court of Federal Claims, which had held that a criminal forfeiture payment in the amount of \$44 million that a taxpayer was ordered to pay as part of his criminal sentence was deductible. The Federal Circuit explained that forfeiture was tantamount to a nondeductible fine or other penalty, a result fully consistent with the decisions of the other Circuit Courts, which "repeatedly conclud[ed] that forfeitures of property to the government similar to the one at issue are not deductible because they are punitive." In *Estate of Sanders v. Commissioner*, the Eleventh Circuit reversed the adverse decision of the Tax Court in this case arising from the IRS's effort to crack down on meritless claims of U.S. Virgin Islands residency to avoid paying federal income tax. The Eleventh Circuit concluded that the facts considered by the Tax Court to support residency were "insufficient to establish that Sanders ever became a bona fide resident of the USVI," and criticized the Tax Court's reliance on formalities and failure to analyze whether Sanders's arrangement with the USVI partnership had economic substance or business purpose. The Court remanded the case so that the Tax

Court could make the necessary findings and determine (under the careful analysis articulated by the Eleventh Circuit) when, if ever, Sanders became a bona fide USVI resident, emphasizing that there was “substantial supporting evidence that Sanders masqueraded as a USVI resident.” Lastly, in *QinetiQ U.S. Holdings, Inc. v. Commissioner*, the IRS determined a corporate income tax deficiency of approximately \$14 million against QinetiQ U.S. Holdings, Inc., resulting from the disallowance of \$118 million in claimed salary and wage deductions. In upholding the IRS’s deficiency determination, the Fourth Circuit rejected QinetiQ’s argument that the notice of deficiency was invalid under the Administrative Procedure Act. The Fourth Circuit concluded that Congress did not intend to superimpose the “APA’s general procedures for judicial review, including the requirement of a reasoned explanation in a final agency decision, . . . on the Internal Revenue Code’s specific procedures for de novo review of the merits of a Notice of Deficiency.”

C) Criminal Prosecutions and Appeals

Indictments and Convictions

During FY 2016, Division prosecutors obtained 148 indictments and 158 convictions (not including the additional criminal tax prosecutions handled exclusively by United States Attorneys’ Offices). The conviction rate for cases brought by Tax Division prosecutors for FY 2016 was 98%.

Enforcing U.S. Tax Laws in Today’s Global Economy

For the Tax Division’s criminal enforcement sections, one of the top litigation priorities is identifying, investigating and holding accountable U.S. taxpayers who conceal foreign financial accounts in an effort to evade U.S. reporting and tax obligations. Use of foreign tax havens by U.S. taxpayers has been on the rise, aided by increasingly sophisticated financial instruments and the ease of moving money around the globe, irrespective of national borders. While the Division’s enforcement focused initially on cross-border activities in Switzerland, it has expanded to include wrongdoing by U.S. accountholders, financial institutions, and other facilitators globally, including publicly disclosed enforcement concerning banking activities in India, Israel, Liechtenstein, Luxembourg, Belize, Hong Kong and the Caribbean.

Offshore Tax Evasion

According to a 2008 report issued by the Permanent Subcommittee on Investigations, Committee on Homeland Security and Government Affairs, United States Senate, the use of undeclared offshore accounts to evade U.S. taxes at that time cost the Treasury at least \$100 billion annually. Using tax havens facilitates evasion of U.S. taxes and related financial crimes, and fosters the perception that, if people have enough money and access to unscrupulous professionals, they can get away with hiding money offshore. Thanks to the considerable and highly publicized efforts of the Tax Division and the IRS, reality has caught up with those who have chosen to engage in this illegal behavior.

Since 2009, when the Tax Division reached a ground-breaking deferred prosecution agreement with UBS AG, Switzerland’s largest financial institution, the Department has publicly charged over 130 accountholders and approximately 42 bankers and advisors with violations arising from offshore banking activities. Over 120 accountholders have pleaded guilty or been convicted at trial, and several are either awaiting trial or in fugitive status. Approximately 17 bankers and financial advisors have either pleaded guilty or been convicted at trial; many remain fugitives.

The prosecution of professionals, including lawyers, financial advisors, and return preparers, who facilitate offshore tax evasion is an essential part of the Tax Division's efforts in this area. In December 2014, the Tax Division secured convictions against David and Nadav Kalai, two California tax return preparers, for conspiracy to defraud the IRS and willfully failing to file a Report of Foreign Bank and Financial Accounts (FBAR). The Kalais prepared false individual income tax returns that did not disclose their clients' foreign financial accounts and did not report the income earned from those accounts. In order to conceal their clients' ownership and control of assets and to conceal their clients' income from the IRS, the Kalais incorporated offshore companies in Belize and elsewhere and helped clients open secret bank accounts at the Luxembourg locations of two Israeli banks.

Efforts to combat offshore tax evasion have also focused on bankers and investment advisors who enable U.S. taxpayers to hide their money abroad.

In September and October 2014, three investment advisors were sentenced to prison following their guilty pleas to conspiracy to launder monetary instruments. Joshua Vandyk and Eric St-Cyr were employed by an investment firm in the Cayman Islands, and Patrick Poulin was an attorney in Turks and Caicos who represented U.S. citizens. Vandyk, St-Cyr and Poulin conspired to conceal and disguise the nature, location, source, ownership and control of property believed to be the proceeds of bank fraud, specifically \$2 million. The defendants assisted undercover law enforcement agents posing as U.S. clients in laundering purported criminal proceeds through an offshore structure designed to conceal the true identity of the proceeds' owners. Vandyk and St-Cyr invested the laundered funds on the clients' behalf and represented that the funds would not be reported to the U.S. government.

The Tax Division also remains committed to holding foreign banks accountable for their role in facilitating attempts to evade U.S. tax and reporting obligations. Since announcing the UBS deferred prosecution agreement in February 2009, the Tax Division has continued to investigate this activity, and, as described below, has taken public action against other financial institutions and external asset management firms.

In February 2016, Daniela Casadei and Fabio Frazzetto, two bankers who worked as client advisors at Bank Julius Baer, pleaded guilty to conspiring with U.S. taxpayer-clients to help them hide their assets in offshore accounts and to evade U.S. taxes on the income earned in those accounts. They aided U.S. taxpayers in maintaining undeclared accounts at the bank and advised the taxpayers that their accounts would not be disclosed to the IRS.

In February 2012, Wegelin Bank, the oldest private bank in Switzerland, was indicted for conspiracy to defraud the United States for actions arising from its efforts on behalf of U.S. account holders. Wegelin Bank pleaded guilty to felony tax charges (and was the first foreign bank to do so) in January 2013, and was ordered to pay approximately \$58 million to the United States and to forfeit funds in the amount of \$16.2 million previously seized by the government from a correspondent account in the United States, for a total recovery to the United States of approximately \$74 million.

In July 2013, the Department announced that Liechtensteinische Landesbank AG, a bank based in Vaduz, Liechtenstein (LLB-Vaduz), agreed to pay more than \$23 million to the United States and entered into a non-prosecution agreement. As noted in the agreement, before the government began the investigation, LLB-Vaduz voluntarily implemented a series of remedial measures to stop servicing U.S. account holders with undeclared accounts. The bank also assisted in changing the law in Liechtenstein

retroactively, which enabled the Division to obtain account files of non-compliant U.S. account holders without having to identify each account holder whose information was requested.

In May 2014, Credit Suisse AG pleaded guilty to conspiracy to aid and assist U.S. taxpayers in filing false income tax returns and other documents with the IRS. The guilty plea was the result of a years-long investigation by U.S. law enforcement authorities that also produced indictments of eight Credit Suisse executives since 2011; three of those individuals have pleaded guilty so far. The plea agreement, along with agreements made with other federal and state agencies, required Credit Suisse to pay a total of \$2.6 billion – \$1.8 billion to the Department of Justice for the U.S. Treasury (as restitution for lost tax revenue), \$100 million to the Federal Reserve, and \$715 million to the New York State Department of Financial Services. Credit Suisse also paid approximately \$196 million in disgorgement, interest and penalties to the Securities and Exchange Commission (SEC) for violating the federal securities laws by providing cross-border brokerage and investment advisory services to U.S. clients without first registering with the SEC.

Also in May 2014, the Department of Justice entered into a non-prosecution agreement with Swisspartners Investment Network AG, a Swiss-based asset management firm, and three of its wholly-owned subsidiaries (collectively, the Swisspartners Group). As part of the agreement, the Swisspartners Group admitted that it knew certain U.S. taxpayers were maintaining undeclared foreign bank accounts with the assistance of the Swisspartners Group in order to evade their U.S. tax obligations, in violation of U.S. law. The Swisspartners Group acknowledged that it helped certain U.S. taxpayer-clients conceal from the IRS their beneficial ownership of undeclared assets maintained in foreign bank accounts by, among other things, creating sham foundations and other sham entities that served as the nominal account holders; placing accounts or insurance policies in the names of non-U.S. nationals; facilitating the transportation of large amounts of cash into the United States on behalf of U.S. taxpayer-clients; and arranging for the bulk deposit of cash at Swiss depository financial institutions on behalf of U.S. taxpayer-clients. As a condition of the non-prosecution agreement, the Swisspartners Group agreed to pay a fine of \$4.4 million.

In December 2014, Bank Leumi, a major Israeli international bank, admitted that it conspired to aid and assist U.S. taxpayers to prepare and present false tax returns to the IRS by hiding income and assets in offshore bank accounts in Israel and elsewhere around the world. A deferred prosecution agreement between Bank Leumi Group and the Department of Justice required the bank to pay \$270 million to the United States, provide the names of more than 1,500 of its U.S. account holders, and cooperate with related ongoing investigations. This unprecedented agreement marked the first time an Israeli bank admitted to such criminal conduct which spanned over a 10 year period and included an array of services and products designed to keep U.S. taxpayer accounts concealed at Bank Leumi Group's locations in Israel, Switzerland, Luxembourg and the United States.

In February 2016, the Department of Justice filed criminal charges against Bank Julius Baer & Co Ltd., headquartered in Switzerland, and the Bank entered into a deferred prosecution agreement with the Department. Julius Baer admitted that it assisted many of its U.S. taxpayer clients in evading their U.S. tax obligations. The agreement required the bank to pay \$547 million, in restitution, forfeiture and penalties.

In March 2016, Cayman National Securities Ltd. and Cayman National Trust Co. Ltd., pleaded guilty to conspiring with many of their U.S. taxpayer clients to hide more than \$130 million in offshore

accounts from the IRS and to evade U.S. taxes on the income earned in those accounts. As part of the plea agreement, the entities were required to produce account files of non-compliant U.S. taxpayers through the treaty process and pay \$6 million in financial penalties. This marked the first conviction of a non-Swiss financial institution for tax evasion conspiracy.

In addition to these public actions, the Tax Division has ongoing criminal investigations concerning the cross-border activities of banks and U.S. account holders, as well as bankers and other professionals who facilitated U.S. tax evasion and reporting violations.

The high profile prosecutions of financial institutions, facilitators, and accountholders created pressure on non-compliant taxpayers to correct their tax returns to report previously undisclosed accounts. According to the IRS, since the inception of the investigation against UBS, over 55,800 taxpayers have reported previously secret accounts through the IRS's offshore voluntary disclosure programs, and an additional 48,000 have made use of separate streamlined procedures to correct prior non-willful omissions. In total, the IRS has collected more than \$10 billion in back taxes, interest, and penalties through these programs. These enforcement efforts not only remedy past wrongdoing, but also bring into the system tax revenue from taxpayers who become compliant going forward. Through the voluntary disclosure programs, taxpayers are required to cooperate, providing leads on banks and facilitators.

The Department is also successfully using a variety of law enforcement tools to gather information that we believe will lead to admissible evidence in future enforcement efforts. For example, in recent years the Department obtained orders authorizing the issuance of John Doe summonses for information about U.S. taxpayers using accounts based in Switzerland, India, Bahamas, Barbados, Cayman Islands, Guernsey, Hong Kong, Malta, Belize, and the United Kingdom. The Tax Division continues to work with the IRS and the United States Attorneys' Offices to gather information about taxpayers who seek to avoid or evade our tax loss.

Swiss Bank Program

The investigation and prosecution of offshore tax evasion requires the IRS and the Tax Division to obtain foreign evidence, most often through a tax information exchange agreement or a mutual legal assistance or other treaty. A fundamental issue with respect to obtaining information about accounts located in Switzerland has been the degree to which Swiss law permits disclosure under the Convention between the United States of America and the Swiss Confederation for the Avoidance of Double Taxation with Respect to Taxes on Income, signed on October 2, 1996. Swiss banks often contend, in response to our investigations, that Swiss law prohibited meaningful cooperation (most notably, the disclosure of the names of bank employees and of U.S. accountholders).

To address these issues, on August 29, 2013, the Department announced the Program for Non-Prosecution Agreements or Non-Target Letters for Swiss Banks (the "Program"), which was designed to encourage Swiss banks, about which the Department had little or no information, to come forward, disclose conduct and account information related to U.S. offshore accounts, and to cooperate with our ongoing offshore enforcement efforts to target U.S. accountholders and the bankers and advisers who facilitated them, in exchange for the possibility of a non-prosecution agreement. The Program expressly excluded the fourteen banks, referred to in the Program as "Category 1 banks," that were authorized for investigation in connection with their Swiss banking activity related to U.S. account holders before the Program was announced. Second, the Program expressly excluded all individuals. No Swiss banker or

professional advisor was offered any sort of protection or immunity, and no U.S. account holder was covered by the Program.

The Program established three additional categories of eligibility. Category 2 banks are Swiss banks that were not under investigation as of the date the Program was announced but believed they had committed tax-related offenses. Category 2 banks were required to provide detailed information regarding their cross-border activities, employees and representatives, and U.S.-related accounts, and were required to pay a penalty that could be mitigated if the bank established that a particular account was declared or came into compliance through the IRS offshore voluntary disclosure programs. Category 3 and 4 banks are Swiss banks that did not commit any violations of U.S. law but sought a non-target letter after providing information required under the Program.

The Program banks were required to fully disclose their cross-border businesses relating to U.S. taxpayers by providing documents and making in-person presentations to the Tax Division by the end of June 2014 (which included a 60-day extension that was requested by each bank). Thereafter, it was anticipated that the parties would execute non-prosecution agreements and that the Tax Division would begin making requests under the U.S.-Swiss tax treaty for account information. This process was delayed as a result of the reluctance of many banks to adequately disclose their conduct. This issue was resolved, and the Program moved forward.

By early 2016, the Tax Division completed the Category 2 part of the program. In all, the Department signed 80 agreements with 78 Category 2 banks. The Department had little or no prior information regarding a significant number of these banks prior to their self-reporting under the Program. In addition to providing valuable leads concerning assistance provided to U.S. taxpayers maintaining secret accounts, these banks paid a total of more than \$1.36 billion in penalties under the Program. The Division also completed its review of Category 3 and 4 banks in 2016 and reached final resolutions with the banks that met the requirements under the program.

The Tax Division has also submitted more than 194 treaty requests to Switzerland covering 36 different banks, and continues to submit requests as additional information is received. These treaty requests are being submitted under the current 1996 U.S.-Swiss tax treaty under which the Swiss will grant assistance only in cases where the information is sought because of tax fraud, as that term is narrowly interpreted by Swiss legal authorities. A new Protocol amending the 1996 tax treaty was signed but has been stalled in the Senate for several years. Once the Protocol is ratified, Switzerland will begin granting assistance in cases where the information is foreseeably relevant to a civil or criminal tax investigation. The "foreseeably relevant" standard is far more lenient and would result in hundreds of, if not more than one thousand, successful treaty requests.

The Swiss are responding promptly to the tax treaty requests that we are submitting under the 1996 treaty. To date, the Tax Division has received more than 147 responses to the treaty requests. The Tax Division is working closely with the IRS to review the information received in response to the treaty requests and from the banks in the Program, as well as from whistleblowers and cooperators, to pursue investigations against individual accountholders, bankers and other facilitators, both within and beyond Switzerland. The Tax Division believes that these investigations will result in a number of criminal prosecutions.

Pure Tax Crimes

Legal-source income tax cases are the core of the Tax Division's criminal enforcement mission. These cases encompass tax crimes where the source of the individual's income is earned through legitimate means, and the examples are legion: a restaurateur who skims cash receipts; a corporation that maintains two sets of books, one reporting its true gross receipts and the other – used for tax purposes – showing lower amounts; a self-employed individual who hides taxable income or inflates deductible expenses to reduce the amount of tax due and owing; or, an individual who, although aware of the duty to file a return, knowingly and intentionally refuses to do so.

The focus on legal-source income cases is important because tax crimes of this type significantly erode the tax base and, when such conduct is left unaddressed, have the potential to encourage tax cheating by otherwise law-abiding citizens. Prosecutions in these cases often receive substantial local media coverage, and convictions assure law-abiding citizens who pay their taxes that those who cheat are punished. During the past year, Tax Division attorneys investigated and prosecuted cases involving tax crimes committed by individuals from all walks of life.

In March 2017, Jeffrey Nowak, a Las Vegas, Nevada liquor storeowner, was sentenced to serve 41 months in prison for tax evasion and conspiring to defraud the United States. Nowak conspired with Ramzi Suliman, with whom he jointly owned and operated liquor stores in Las Vegas. Nowak and Suliman skimmed cash receipts and provided their accountant with a phony set of books that omitted nearly \$4 million in cash receipts.

In March 2017, two Louisiana attorneys, James Burton and Lucretia Pecantte-Burton, pleaded guilty to failing to file individual income tax returns. Burton and Pecantte-Burton were partners of the law firm Pecantte-Burton & Burton (PB&B). PB&B offered general legal services and representation and regularly received cash payments from clients for legal services rendered. They also had a partnership interest in a tax return preparation business. For tax years 2007, 2008 and 2009, Burton and Pecantte-Burton did not file individual income tax returns despite earning income from their law practice and the tax return preparation business.

In January 2017, Semere Tsehaye, the owner of a Missouri tax preparation business, was sentenced to serve 27 months in prison for tax evasion. Tsehaye owned and operated at least 20 Instant Tax Service franchise locations. During the years 2010 and 2011, Tsehaye provided fraudulent financial summaries that understated his businesses' gross receipts to his tax return preparer which were used to prepare Tsehaye's individual income tax returns. These tax returns underreported gross receipts by a total of approximately \$547,895 in 2010 and \$1.03 million in 2011, and resulted in Tsehaye evading approximately \$581,264 in taxes.

In September 2016, Christopher Swartz, a New York food and restaurant entrepreneur and franchisor pleaded guilty to tax evasion and wire fraud. Swartz engaged in a ten-year tax evasion scheme, filing false returns that understated his personal income. He diverted money from business accounts and disguised the diversions in the company records as loans and business expenses. He made extensive use of cash to diminish the traceability of funds and concealed his ownership of various assets using multiple entities and nominees. He also falsified partnership tax returns and attempted to impede the IRS's ability to collect employment taxes.

Employment Tax Crimes

Beginning in FY 2015, the Tax Division sharpened its focus on employers who willfully fail to collect, truthfully account for, and pay over employment taxes to the IRS. The Division has continued to enhance its enforcement efforts in this area during FY 2016. Employers have a legal obligation to withhold federal income, Social Security, and Medicare taxes from their employees' wages, hold these funds in trust, and then pay them over, along with a matching amount of Social Security and Medicare tax, to the IRS. Employment and income tax withheld comprise 70% of the total revenues collected by the IRS¹⁰, and as of June 2016, nearly \$59.4 million of employment tax reported on quarterly employment tax returns remained unpaid.

Many employment tax prosecutions involve business owners who divert withheld taxes to their personal use, funding a lavish lifestyle with the government's money. For example:

In March 2017, Richard Tatum, a Houston, Texas, business owner of an industrial staffing company, pleaded guilty to failing to pay more than \$18 million in employment taxes. Tatum filed false employment tax returns that did not report the majority of his employees and did not pay over the taxes he withheld from his employees. Instead, he used the money for luxury travel and to make payments on his ranch. They were also ordered to pay restitution to the IRS.

- In January 2017, two West Virginia business owners, Michael and Jeanette Taylor, were sentenced to serve 21 and 27 months in prison for failing to pay over more than \$1.4 million in employment taxes. The Taylors owned a construction business that transported steel and sold gravel and concrete. They changed the name of their business several times, though the operations of the business remained the same. Both were responsible for collecting, accounting for and paying over the employment taxes withheld from their employees' wages. Instead of paying over the taxes that they collected, the Taylors used the funds to purchase property and finance their horse farm.

In January 2017, Paul Harvey Boone, of Hillsborough, North Carolina, was sentenced to serve 15 months in prison for failing to pay over employment taxes. Boone owned and operated Boone Audio Inc. From 2008 through 2011, Boone used company funds for personal expenses while failing to pay over the employment taxes withheld from his employees' wages. He was also ordered to pay restitution to the IRS.

In December 2016, Sreedar Potarazu, a Maryland surgeon and entrepreneur, pleaded guilty to failing to account for and pay over \$7.5 million in employment taxes and to shareholder fraud. Potarazu founded VitalSpring Technologies, Inc., a corporation which that provided data analysis and services related to health care expenditures. Potarazu was responsible for collecting, truthfully accounting for and paying over VitalSpring's employment taxes. Instead of paying over the employment tax, Potarazu spent millions on personal expenses including transferring funds to himself and others, travel, car service and the publication of a book.

¹⁰ Internal Revenue Service Data Book, 2016 Table 1 Collections and Refunds by Type of Tax

The Tax Division is working closely with the IRS Collection, Examination and Criminal Investigation divisions to ensure that IRS and Department personnel receive up-to-date training with respect to employment tax offenses, charging issues, potential defenses and sentencing issues. With respect to existing resources, in September 2015, the Tax Division updated the employment tax chapter of the Criminal Tax Manual and is currently working on a centralized database of criminal employment tax resources for Department prosecutors. The Tax Division also designated an Assistant Chief in the Southern Criminal Enforcement Section as the Point of Contact for criminal employment tax enforcement matters for the IRS and the Offices of the U.S. Attorneys. Finally, the Tax Division has increased its efforts to publicize results achieved in its employment tax prosecutions.

Prosecutions in this area not only punish those charged, but send a strong message of deterrence to those engaged in similar violations and those who are considering such conduct that the Department stands ready to investigate, prosecute and hold accountable those engaged in similar conduct.

Stolen Identity Refund Fraud

Stolen Identity Refund Fraud (SIRF) crimes continue to be committed across the country, with many defendants filing thousands of false returns, resulting in millions of dollars in fraudulent refund claims. Moreover, their level of sophistication has risen, with many of the recent SIRF crimes involving a cybercrime component. Victims hail from all segments of our society. The elderly are particularly vulnerable as a result of their contact with hospitals, assisted living centers, nursing homes, but they are not alone. SIRF victims include state and federal employees, the imprisoned, young children, the infirm, and members of our armed forces deployed overseas. Concerted and coordinated efforts among law enforcement partners are necessary to successfully combat this fraud.

In contrast with many of our traditional tax prosecutions, which may arise out of IRS administration investigations or lengthy grand jury proceedings, SIRF prosecutions are often reactive to exigent circumstances. In many cases, the crime is discovered by local law enforcement officers who come upon a large cache of Treasury checks or debit cards loaded with fraudulent tax refunds.

The low physical risk and high potential for financial gain has made stolen identity refund fraud the new crime of choice for drug dealers and gangs. While the crime may seem deceptively simple, the scope and organization of these criminals is vast and growing. In certain cases, the proceeds of the crimes have been used to purchase illegal narcotics for resale, or funneled offshore.

For taxpayers who are direct SIRF victims, the economic and personal consequences can be severe and often long-term. While the IRS will make good on the refund that is due to the taxpayer, the personal burden and delay can be considerable. Further, when a stolen identity is used to commit tax refund fraud, all taxpayers are victims, and all Americans are impacted by the loss to the Federal Treasury.

Recognizing these fast-moving law enforcement needs, and understanding that the Tax Division's required review and authorization for all tax grand jury investigations and prosecutions nationwide takes time, in October, 2012, we issued Directive 144, delegating to local U.S. Attorneys' Offices the authority to initiate tax-related grand jury investigations in SIRF matters, to charge those involved in SIRF crimes by complaint, and to obtain seizure warrants for forfeiture of criminally-derived proceeds arising from SIRF crimes, all without prior authorization from the Tax Division.

Since Directive 144 was issued, USAOs, have been able to respond quickly to SIRF type cases, and the Tax Division has authorized more than 1,300 SIRF investigations involving more than 2,000 subjects. As a result, the Tax Division and the U.S. Attorneys' Offices have brought approximately 1,000 prosecutions involving more than 1,900 individuals. And the courts are responding with substantial sentences. In addition, in February 2014, the Tax Division formed a SIRF Advisory Board, consisting of experienced SIRF prosecutors and designed to develop and implement a national strategy to ensure consistent and effective enforcement and prosecution.

Throughout 2015 and continuing into 2017, the Tax Division has worked in collaboration with the U.S. Attorney's Office for the District of Columbia to aggressively pursue a massive SIRF scheme that targeted vulnerable victims. This sophisticated scheme involves an extensive network of more than 130 individuals and resulted in the filing of at least 12,000 fraudulent federal income tax returns for the tax years 2005 through 2012 that sought refunds of more than \$40 million. The co-conspirators filed returns in the names of individuals whose identities had been stolen, including the elderly, people in assisted living facilities, drug addicts, and the incarcerated. Multiple defendants have pleaded guilty or been convicted for their role in this scheme, and several have received substantial prison sentences, including the following:

In February 2017, Tony Bryant, Brian Bryant and Takara Cooper, were convicted following a jury trial for their role in this scheme. The Bryants used bank accounts they controlled to deposit the fraudulent refund checks and had roles in refund claims seeking more than \$4.9 million. Cooper was paid to receive fraudulent refund checks at her address and provided the checks to a co-conspirator.

In December 2016, Kevin Brown, formerly of Capitol Heights, Maryland, was sentenced to serve 135 months in prison and ordered to pay more than \$4.5 million in restitution to the IRS. Brown was a key organizer and leader of this scheme and recruited others to participate in the illegal activity. He pleaded guilty in February 2013.

In July 2016, Bradley King, of Fredericksburg, Virginia, was sentenced to serve 47 months for his role in this scheme. King recruited others to provide their personal identification information and their addresses to be used for the filing of the fraudulent returns and receipt of the refund checks. He also negotiated and sold the fraudulently obtained checks.

In January 2016, Marc Bell, a former employee of the D.C. Department of Youth Rehabilitation Services, pleaded guilty to his role in this scheme. Bell admitted to using his position to steal the names of at least 645 juveniles who were under court supervision. Bell then sold those names to co-conspirators, who used the information to file fraudulent tax returns.

In another far-reaching conspiracy, several defendants were sentenced to lengthy prison terms in the Middle District of Alabama and Middle District of Georgia for using stolen identities to file over 9,000 fraudulent returns that claimed over \$24 million in tax refunds. Between January 2011 and December 2013, Keisha Lanier and Tracy Mitchell led a large-scale identity theft ring in which Lanier, Tracy Mitchell and their co-defendants obtained stolen identities from various sources, including the U.S. Army, several Alabama state agencies, a Georgia call center and employee records from a Georgia company. Mitchell worked at the hospital located at Fort Benning, Georgia, where she had access to the identification data of military personnel, including soldiers who were deployed to Afghanistan. She stole the personal information of soldiers and used that information to file false tax returns. The scheme

also involved a complex money laundering operation with nearly \$10 million in fraudulent tax refund checks being cashed at several businesses located in Alabama, Georgia and Kentucky.

In September 2015, Keisha Lanier, the ringleader of the scheme, was sentenced to 15 years in prison. In August 2015, Tracy Mitchell was sentenced to 159 months in prison and seven other co-conspirators were sentenced on that date. Several of the defendants were sentenced in 2016. For instance, in February 2016, Elizabeth Grant, a U.S. postal worker, was sentenced to 70 months in prison for providing co-conspirators with addresses along her mail delivery route to use in filing fraudulent returns, retrieving refund checks from the mail, and delivering them to her co-conspirators. Two owners of check cashing stores in Columbus, Georgia, Sunny Shah and George Rowell, were sentenced to 21 and 18 months for cashing fraudulent tax refund checks. Shah was also ordered to forfeit \$1.3 million. Two bank tellers, Tonya Alexander and Vicky Wheeler, were sentenced to 37 and 18 months for cashing close to a million dollars in fraudulent tax refunds. In total, 21 participants in this fraud were sentenced to a combined prison term of approximately 106 years.

We all know we will not prosecute our way out of this problem, but we are committed to aggressively prosecuting these offenders and assisting the IRS as it works to increase its ability to stop these refunds from being issued.

Prosecuting Abusive Promotions

The Department continues to actively target those who promote the use of fraudulent tax shelters and other schemes to evade taxes and hide assets. Some schemes use domestic or foreign trusts to evade taxes. Promoters of these schemes often use the internet to aggressively market these trusts to the public, and rely upon strained, if not demonstrably false, interpretations of the tax laws. Employing what they often call “asset protection trusts” (ostensibly designed to guard an individual’s assets from legitimate creditors, including the IRS), these promoters are in fact assisting taxpayers to fraudulently assign income and conceal ownership of income-producing assets in order to evade paying their taxes. The Tax Division and U.S. Attorneys’ Offices are vigorously employing a range of criminal and civil tools, including injunctive relief, to address these abusive activities.

In March 2015, three promoters of a scheme called the National Audit Defense Network (NADN) were sentenced to substantial prison terms for conspiring to defraud the United States and aiding in the preparation of false tax returns. Alan Rodrigues, a former casino owner, was sentenced to 72 months in prison; Weston Coolidge, a former Las Vegas businessman was sentenced to 70 months; and former NFL punter Joseph Prokop received an 18-month prison term. These sentences follow the defendants’ May 2014 conviction following a six-week jury trial in the District of Nevada. A fourth co-conspirator, California businessman Daniel Porter, pleaded guilty to conspiracy to defraud the United States and was sentenced on April 10 to 55 months in prison. Porter created a product called Tax Break 2000 and conspired with Rodrigues, Coolidge, and Prokop to promote the product by falsely representing to customers that buying Tax Break 2000 would allow them to claim income tax credits and deductions under the Americans with Disabilities Act by modifying the customers’ websites to be more accessible to the disabled. As part of the conspiracy, the defendants trained return preparers working for NADN to prepare false tax returns that claimed these bogus credits and deductions. Between 2001 and 2004, the defendants sold Tax Break more than 18,000 times to thousands of customers throughout the United States. In 2004, the Tax Division also filed a civil suit to enjoin NADN’s activities.

Return-Preparer Fraud

Corrupt accountants and tax return preparers continue to present a serious law enforcement concern. Some accountants and return preparers deceive unwitting clients into filing false and fraudulent returns, while others serve as willing “enablers,” providing a veneer of legitimacy for clients predisposed to cheat. In addition to the significant adverse impact these individuals have on the U.S. Treasury, their status as professionals may be perceived as legitimizing tax evasion, thereby promoting disrespect for the law. We have prosecuted many such return preparer cases during the past year. In one recent case, Cheryl Singleton, an Atlanta, Georgia tax return preparer was sentenced in January 2017 to serve 150 months in prison for filing fraudulent returns seeking more than \$20 million in refunds. Singleton hired and trained employees to prepare fraudulent returns and encouraged them to manipulate the numbers to maximize their clients’ refunds by including false dependents and fraudulent business income. Singleton also manipulated people into providing their personal identifying information by telling them that they could qualify for an “Obama Stimulus” payment, and used their information to file fraudulent tax returns in their names, without their knowledge or consent.

National Tax Defier Initiative

Tax defiers, also known as illegal tax protesters, have long been a focus of the Tax Division’s investigative and prosecution efforts. Tax defiers advance frivolous arguments and develop a wide variety of schemes to evade their income taxes, assist others in evading their taxes, and frustrate the IRS, all under the guise of constitutional and other meritless objections to the tax laws. Frivolous arguments used by tax defiers include, for example, spurious claims that an individual is a “sovereign citizen” not subject to the laws of the United States, that the federal income tax is unconstitutional, and that wages are not income. Schemes utilized include the use of fictitious financial instruments in purported payment of tax bills and other debts, as well as the filing of false liens and IRS reporting forms, such as Forms 1099, designed to harass and retaliate against government employees and judges. In the most extreme circumstances, tax defiers have resorted to threats and violence to advance their anti-government agenda.

Tax defiers are identified by the schemes in which they participate and the tactics they utilize. It is important to note that those who merely express dissatisfaction with the tax laws should not be, and are not, prosecuted. The Department cherishes the right to free speech, but recognizes that it does not extend to acts that violate or incite the imminent and likely violation of the tax laws.

Because a segment of the tax defier community may and has resorted to violence to advance their cause, it is essential that law enforcement be prepared to respond rapidly to threats against agents, prosecutors, and judges. The Tax Division has implemented a comprehensive strategy using both civil and criminal enforcement tools to address the serious and corrosive effect of tax defier and sovereign citizen activity. Led by a National Director, the Tax Division’s Tax Defier Initiative facilitates coordination among nationwide law enforcement efforts. Increased coordination allows new and recycled tax defier and related schemes and arguments to be identified quickly, and a coordinated strategy to be developed.

Through the Tax Defier Initiative, the Division has leveraged our expertise to develop a government-wide approach to monitoring and combating these crimes. As a result, our National Director for the Tax Defier Initiative, working with representatives of IRS Criminal Investigations, Treasury Inspector General for Tax Administration, the FBI Domestic Terrorism Operations Unit, and

the Department's National Security Division, developed and implemented a national training program for prosecutors and investigators. The close working relationships fostered by our Initiative have enabled us to identify and respond more quickly and efficiently to trends in the tax defier community.

As in other areas, the Tax Division has made important strides in combating tax defier activity. Recent successes include the following.

In April 2017, Winston Shrout, one of the most prominent sovereign citizen tax defier promoters, was convicted following a jury trial, of making, passing and submitting fictitious financial instruments to a financial institution and the U.S. Treasury and failing to file tax returns. Shrout was highly influential in the sovereign citizen movement and has a significant following across the country and abroad. From approximately 2008 through 2015, Shrout created and submitted more than 1000 bogus financial instruments with the intent of defrauding financial institutions and the U.S. Treasury. He held worldwide seminars and private meetings to promote and market the use of these fake financial instruments to pay off debts, including federal taxes. Shrout sold recordings of his seminars, templates for fake financial instruments and other materials through his website. Despite earning \$562,224 in income from his seminars, licensing fees from his products, and pension payments, Shrout failed to file his 2009 through 2014 tax returns.

In June 2016, Charles Parker, of College Park, Maryland was sentenced to serve 97 months in prison for conspiring to file false federal income tax returns and filing false tax returns. Parker recruited clients for a co-conspirator, who prepared tax returns falsely reporting the amount of taxes withheld and purportedly paid to the IRS. He collected financial information from clients and provided the information to his co-conspirator for the preparation of the false tax returns, causing the filing of 14 false tax returns that fraudulently claimed \$7,753,940 in tax refunds.

In May 2016, Sean Gallman, of Upper Marlboro, Maryland, and Eric Gallman, of Huntersville, North Carolina, were sentenced to serve 132 months and 48 months in prison, after pleading guilty to perpetrating a scheme in which they filed fraudulent tax returns seeking refunds in excess of \$224 million. The defendants established trusts and business entities, with addresses at numerous private commercial postal carrier stores in Maryland and North Carolina, and mailed fraudulent tax returns to the IRS in the names of the trusts and businesses requesting refunds. After receiving the refund checks, the defendants deposited the funds into bank accounts they controlled and used cashier's checks and other financial instruments to transfer a portion of the money to third parties and other bank accounts.

In January 2016, Canadian citizen Kevin Cyster was sentenced to 135 months in prison for his role in a tax fraud scheme that attempted to defraud the government out of approximately \$10 million. Cyster and other Canadian citizens living in Canada filed tax returns that claimed refunds based on false Forms 1099-OID. On these tax returns, Cyster and his co-conspirators falsely claimed that nearly \$10 million in federal income taxes had been withheld on their behalf by various Canadian financial institutions and paid over to the IRS. Brekke was sentenced to 12 years in prison for promoting the 1099-OID scheme, which the IRS has listed among its "dirty dozen" tax scams.

Counter-Terrorism

Tax Division attorneys play an important role in the fight against international terrorism. Tax Division attorneys lend their expertise to attorneys at the National Security Division and at U.S. Attorneys' Offices in prosecuting those who take advantage of the tax laws to fund terrorism, including

through the use of tax-exempt organizations. A Tax Division Senior Litigation Counsel is responsible for managing matters associated with counter-terrorism and terrorist financing and serves as lead counsel in investigating, developing, and prosecuting criminal tax cases with a nexus to counter-terrorism and terrorism financing.

Corporate Fraud and other Financial Crimes

The Division investigates and prosecutes financial crimes such as corporate fraud and mortgage fraud. The Division also cooperates with other law enforcement components in formulating national policies, programs, strategies and procedures in a coordinated attack on financial crime.

In July 2016, Anton Drago, formerly known as Evan Fogarty, of Las Vegas, Nevada, was sentenced to serve 25 years in prison following his conviction on multiple fraud charges including wire fraud, theft of government funds and submitting false claims to the Department of Veterans Affairs (VA). Drago orchestrated a large-scale Nigerian oil investment fraud scheme from 2004 through 2012. He told investors that money they invested would be used for legal fees and business expenses to fund production, refinement and shipment of crude oil from Nigeria to the Bahamas and to purchase an oil refinery in the Bahamas. He promised investors a 400 percent return in sixty days and investors gave more than \$2 million. Instead, Drago spent the money on personal expenses to include rent, travel, jewelry, luxury retail purchases, his Mercedes and exclusive club memberships. At the same time, Drago falsely claimed thousands of dollars in unemployment compensation benefits from the VA, claiming to have a debilitating military service-related injury, despite being an avid golfer and all while spending more than \$100,000 on golf-related expenses. He was ordered to pay \$2.3 million in restitution.

International Cooperation to Investigate Tax Evasion

The Tax Division regularly provides advice and assistance to Assistant United States Attorneys and IRS agents seeking extradition, information, and cooperation from other countries for both civil and criminal tax investigations and cases. Occasionally, the Tax Division provides assistance to attorneys from other federal agencies and offices, including the Federal Bureau of Investigation, the Securities and Exchange Commission, and the Department of Homeland Security.

The Tax Division also works to increase cooperation with foreign nations, recognizing that reciprocal engagements ultimately further the Division's mission. For example, the Division has participated in consultations with France and Canada in an effort to improve the exchange of information under our income tax treaties with those countries, and the Division periodically hosts visiting delegations of tax officials from countries interested in learning more about federal tax enforcement in the United States. The Tax Division is also an important partner in the U.S. negotiating team for Double Taxation Conventions, Tax Information Exchange Agreements, and other international agreements concerning tax information.

Civil/Criminal Coordination

Finally, the Tax Division uses parallel civil and criminal proceedings to pursue both civil injunctions and criminal prosecutions against those who promote abusive schemes, engage in false tax return preparation, and pyramid employment tax liabilities. To facilitate this process and ensure that the Division is employing all available enforcement tools it named two trial attorneys as Counsel for Civil

and Criminal Coordination. The Counsel provide civil trial attorneys and prosecutors with one-on-one assistance in handling parallel civil and criminal proceedings, participate in a Comprehensive Enforcement Working Group formed to promote better coordination of parallel proceedings, conduct training, and participate in various bar panels. The Tax Division also maintains an online resource library regarding parallel proceedings and comprehensive tax enforcement efforts.

2. Performance Tables

Performance and Resource Table

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: General Tax Matters											
RESOURCES											
		Target		Actual		Target		Changes		Requested (Total)	
		FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2017 Program Changes		FY 2018 Request	
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
		485	\$106,979			534	\$106,776	-35	\$82	499	\$106,858
TYPE	PERFORMANCE	FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2017 Program		FY 2018 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity: Criminal Prosecution & Appeals		137	\$30,128			154	\$30,111	-10	\$23	144	\$30,134
Performance Measure: Workload	Number of Cases received from the IRS and USAO for Authorization and Review	n/a		n/a		n/a		n/a		n/a	
Performance Measure: Output	Number of Investigations Authorized	n/a		n/a		n/a		n/a		n/a	
Performance Measure: Output	Number of Prosecutions Authorized	n/a		n/a		n/a		n/a		n/a	
Performance Measure: Outcome	Success Rate for Criminal Tax Cases Handled by the Division	95%		99%		90%		n/a		90%	
Program Activity: Civil Litigation & Appeals		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		348	\$78,851	0	\$0	360	\$78,665	-25	\$59	355	\$78,724
Performance Measure: Outcome	Civil Cases Successfully Litigated in the Trial Courts	90%		98%		80%		n/a		80%	
Performance Measure: Outcome	Civil Cases Successfully Litigated - Taxpayer Appeals	85%		94%		85%		n/a		85%	
Performance Measure: Outcome	Civil Cases Successfully Litigated - Government and Cross Appeals	85%		64%		60%		n/a		60%	
Performance Measure: Outcome	Tax Dollars Collected and Retained by Court Action and Settlement (\$ in millions)	n/a		\$805		n/a		n/a		n/a	
<p>Data Collection & Storage: The data sources for all performance data is TaxDoc, the Tax Division's automated case management system.</p> <p>Data Validation and Verification: The Tax Division has established procedures to collect and record reliable and relevant data in TaxDoc.</p> <p>Data Limitations: Some activities that are tracked in TaxDoc lack historical data. Dollars Collected and Retained fluctuates due to the type and stage of litigation resolved during the year.</p>											

Performance Measure Table

PERFORMANCE MEASURE TABLE															
Decision Unit: General Tax Matters															
Performance Report and Performance Plan Targets															
Performance Measure		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Measure	Number of Criminal Investigations Authorized	938		749		664		590		553		n/a		n/a	
Performance Measure	Number of Criminal Prosecutions Authorized	1,751		1,495		1,233		1,073		914		n/a		n/a	
Outcome Measure	Success Rate for Criminal Tax Cases Handled by the Division	99%		95%		99%		98%		98%		90%		90%	
Outcome Measure	Civil Cases Successfully Litigated in the Trial Courts	96%		96%		96%		96%		98%		80%		80%	
Outcome Measure	Civil Cases Successfully Litigated - Taxpayer Appeals	98%		97%		94%		94%		96%		85%		85%	
Outcome Measure	Civil Cases Successfully Litigated - Government and Cross Appeals	55%		68%		64%		61%		80%		60%		60%	
Outcome Measure	Tax Dollars Collected and Retained by Court Action and Settlement (\$ in millions)	\$1,430.4		\$1,212.2		\$365.2		\$907.0		\$2,036.2		n/a		n/a	

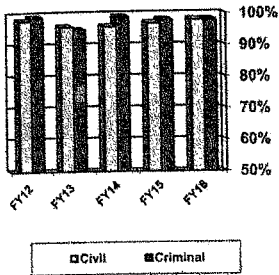
n/a = In accordance with Department guidance, there is no target for this measure.

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

The goals of the Tax Division are to increase voluntary compliance, maintain public confidence in the integrity of the tax system, and promote the sound development of law.

Cases Favorably Resolved (TAX)



Data Definition: Favorable civil resolutions are through a judgment or settlement. Each civil decision is classified as a Government win, partial win, or taxpayer win; for this report, success occurs if the Government wins in total or in part. Criminal cases are favorably resolved by convictions which includes defendants convicted after trial or by plea agreement at the trial court level in prosecutions in which the Tax Division has provided litigation assistance at the request of a USAO.

Data Collection and Storage: The Tax Division utilizes a litigation case management system called TaxDoc.

Data Validation and Verification: The Tax Division has established procedures to collect and record reliable and relevant data in TaxDoc. Management uses the data to set goals, manage cases and project workload. The statistics in this table are provided on a monthly basis to Division management for their review.

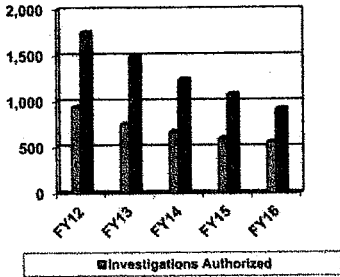
Data Limitations: The Tax Division lacks historical data on some activities that are now tracked in the case management system. The information system may cause variations in the way some statistics are presented.

Performance Measure 1: Percentage of Cases Favorably Resolved

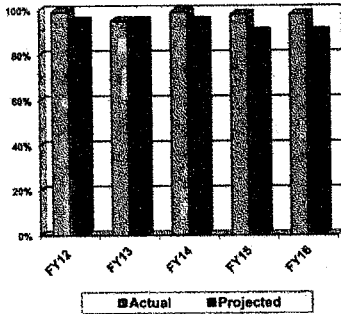
FY 2016 Actual: 98% for Civil Trial and 98% for Criminal.

Discussion: The outcome measure for this decision unit is favorable resolution of all cases. The Department of Justice Strategic Plan sets Department-wide goals for the litigating components: 90% of criminal cases favorably resolved Department-wide and 80% of civil cases favorably resolved. As illustrated in the chart "Cases Favorably Resolved (TAX)," the Tax Division has exceeded the Department's goal for the last several years. In FY 2016, favorable outcomes were achieved in 98% of all civil and 98% of all criminal cases litigated by the Tax Division, including non-tax cases.

Investigation and Prosecution Referrals Authorized



Success Rate for Criminal Tax Cases



Data Definition: Investigation and Prosecution Referrals are grand jury investigation and criminal prosecution requests referred to the Tax Division for review to ensure that federal criminal tax enforcement standards are met. The number of prosecution referrals authorized is a defendant count; investigations may involve one or more targets. The Success Rate is convictions divided by the total of convictions and acquittals. "Convictions" includes defendants convicted after trial or by plea agreement at the trial court level in criminal tax prosecutions in which the Tax Division has provided litigation assistance at the request of a USAO. Defendants acquitted are defendants acquitted in the district court in cases in which the Tax Division provided litigation assistance.

Data Collection and Storage: The Tax Division utilizes a litigation case management system known as TaxDoc. The Division periodically reviews the complement of indicators that are tracked.

Data Validation and Verification: There are procedures to collect and record pertinent data, enabling Section Chiefs to make projections and set goals based on complete, accurate and relevant statistics.

Data Limitations: The Tax Division lacks historical data on some activities that are tracked in the case management system.

Performance Measure 2: Criminal Investigation and Prosecution Referrals Authorized

FY 2016 Actual: 553 Grand Jury Investigations and 914 Prosecutions

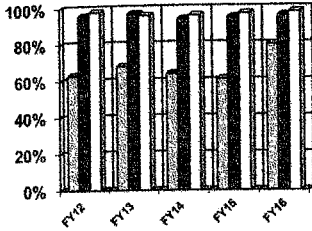
Discussion: The Tax Division also measures the number of authorized investigation and prosecution referrals in criminal cases. In FY 2016, the Division authorized 590 grand jury investigations and 1,073 prosecutions of individual defendants. Changes in the number of authorized investigations are largely proportional to the number of investigations initiated by the Internal Revenue Service.

Performance Measure 3: Success Rate for Criminal Tax Cases

FY 2016 Actual: 98%

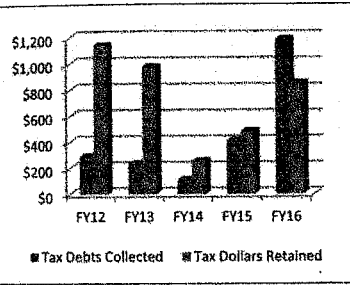
Discussion: The Tax Division's Criminal Trial Sections assume responsibility for some cases at the request of the United States Attorney Offices, generally multi-jurisdictional investigations and prosecutions, and cases with significant regional or national importance. Although many of these cases are difficult to prosecute, the Division has maintained a conviction rate at or greater than 95%. In FY 2016, the Division's conviction rate was 98% in tax cases.

Civil Cases Successfully Litigated [TAX]



Appellate Courts - Gov't & Cross Appeals
 Appellate Courts - Taxpayer Appeals
 Trial Courts

Tax Debts Collected and Dollars Retained (\$\$ in Millions)



Data Definition: A decision is the resolution of a claim through judgment or other court order. Each decision is classified as a Government win, partial win, or taxpayer win; for this report, success occurs if the Government wins in whole or in part. Appellate cases are classified as Taxpayer Appeals, Government Appeals, or Cross Appeals. The number of Government or Cross Appeals is generally less than 10% of the number of taxpayer appeals. **Tax Debts Collected** represents dollars collected on pending civil cases and outstanding judgments. **Tax Dollars Retained** represents the difference between claim amount sought and received by opposing parties in refund suits closed during the period.

Data Collection and Storage: The Tax Division utilizes a case management system known as TaxDoc.

Data Validation and Verification: The Tax Division has established procedures to collect and record reliable and relevant data in TaxDoc. Management uses the data to set goals, manage cases and project workload. The statistics in this table are provided on a monthly basis to Division management for their review.

Data Limitations: The Tax Debts Collected and Dollars Retained indicator fluctuates in response to the type and stage of litigation resolved during the year.

Performance Measure 4: Civil Cases Successfully Litigated

FY 2016 Actual:
 Trial Courts – 98%
 Taxpayer Appeals – 96%
 Government and Cross Appeals – 80%

Discussion: For civil cases, the Tax Division measures cases successfully litigated, in total or in part, by the resolution of a claim through judgment or other court order.

We anticipate that maintaining this level of success will result in legal precedent that provides taxpayers, including individuals, businesses and industries, with guidance regarding their tax obligations; the collection of significant tax revenues; and the protection of the government against unfounded taxpayer claims. Many of the government appeals (and cross-appeals) during the reporting period involve the same (or similar) issues, so that a loss in a single case affects the outcome of multiple appeals.

Performance Measure 5: Tax Dollars Collected and Retained

FY 2016 Actual: \$1.2 Billion Collected and \$851.2 Million Retained

Discussion: The Tax Division collects substantial amounts for the federal government in affirmative litigation, and retains even more substantial amounts in defensive tax refund and other litigation. For FY 2016, the Division collected \$1.2 billion and retained \$851.2 million.

In addition to this measurable impact, the Division’s litigation affects the revenue at issue in many cases being handled administratively by the IRS, and determines tax liabilities of litigants for many additional tax years. Its litigation successes also foster overall compliance with the tax laws. This substantial financial impact is a consequence of the Division’s consistent and impartial enforcement of the tax laws. The Division does not measure these indirect effects of its litigation.

b. Strategies to Accomplish Outcomes

A strong tax system is vital to our national strength. It is essential that taxpayers believe, with good reason, in the integrity of the tax system. It is fundamental that we meet our obligations to our citizens to ensure the full, fair, and consistent enforcement of our tax laws. The Division's long-standing coordinated approach to tax enforcement is a particularly effective component to reduce the tax gap. Because the Tax Division's work already encompasses the elements of an effective tax enforcement program, the organization is well suited to expand existing programs with greater benefits in return.

The Tax Division's primary civil strategy to achieve its goals is to litigate federal civil tax cases filed by and against taxpayers in the federal courts. Through this litigation, the Division ensures the tax laws are properly enforced, by targeting particularly acute tax enforcement problems that threaten tax administration. In carrying out its mission, the Tax Division conducts in each civil tax case an independent review of the IRS's views and administrative determinations to help ensure that the Government's position is consistent with applicable law and policy. This independence, backed by a willingness to engage in aggressive litigation where appropriate, promotes the effective collection of taxes owed, while also serving as a check against potential abuses in tax administration.

While the Tax Division is and will remain responsive to shifts in criminal tax schemes, enforcement of the criminal tax statutes against individuals and businesses that engage in attempts to evade taxes, willful failure to file returns, and the submission of false returns, are at the core of the Division's mission. Enforcement of the internal revenue laws serves the goals of both specific and general deterrence. Enforcement of our criminal tax laws also helps us meet our responsibility to all taxpayers who meet their obligations, to pursue those who do not.

V. Program Increase by Item

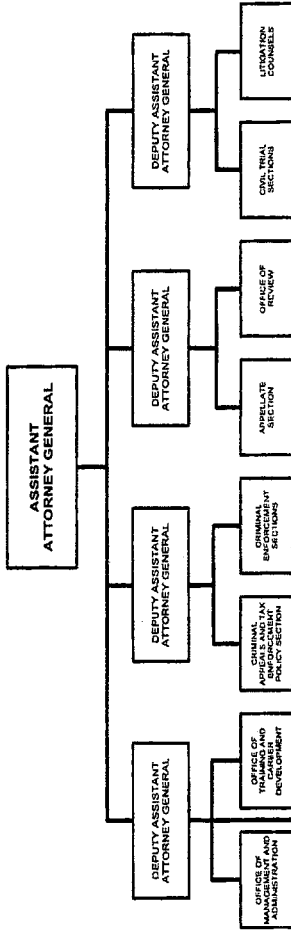
No increases proposed.

VI. Program Offsets by Item

No offsets proposed.

A: Organizational Chart

TAX DIVISION



Approved by:  Date: 11/26/12

Assistant Attorney General

The inclusion or ranking of Deputy is determined as an internal organizational matter and is not intended to create any legal rights, benefits, or obligations.

B. Summary of Requirements

Summary of Requirements

Tax Division

Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Technical and Base Adjustments		FY 2018 Current Services	
	Position s	Actual FTE	Position s	Est. FTE	Position s	Est. FTE	Position s	Est. FTE
General Tax Matters	639	485	639	534	82	-35	499	499
					106,776	-140	499	106,858
Total Direct	639	485	639	534	106,776	-140	499	106,858
Balance Rescission			0		0			0
Total Direct with Rescission					106,776			106,858
Reimbursable FTE								
Total Direct and Reimb. FTE		485		534		-35	499	
Other FTE:								
LEAP		0		0		0		0
Overtime		0		0		0		0
Grand Total, FTE		485		534		-35	499	

Program Activity	2018 Increases		2018 Offsets		2018 Request	
	Position s	Est. FTE	Position s	Est. FTE	Position s	Est. FTE
General Tax Matters	0	0	0	0	499	499
					106,858	106,858
Total Direct	0	0	0	0	499	499
Balance Rescission						
Total Direct with Rescission						
Reimbursable FTE						
Total Direct and Reimb. FTE						
Other FTE:						
LEAP		0		0		0
Overtime		0		0		0
Grand Total, FTE		0		0		499

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

B. Summary of Requirements

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted ^{1/}	639	485	106,979
Total 2016 Enacted	639	485	106,979
2017 Continuing Resolution	639	534	106,979
2017 Rescission - 0.1901%	0	0	-203
Total 2017 Continuing Resolution	639	534	106,776
Base Adjustments			
Pay and Benefits	-140	-35	-289
Domestic Rent and Facilities	0	0	267
Other Adjustments	0	0	103
Foreign Expenses	0	0	1
Total Base Adjustments	-140	-35	82
Total Technical and Base Adjustments	-140	-35	82
2018 Current Services	499	499	106,858
2018 Total Request	499	499	106,858
2017 - 2018 Total Change	-140	-35	82

^{1/} FY 2016 FTE is actual

Justifications for Technical and Base Adjustments
 Tax Division
 Salaries and Expenses
 (Dollars in Thousands)

	Positions	Estimate	Amount
	FTE		
Pay and Benefits			
1 Pay and Benefits, 5% This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount requested, \$1,104, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$781 for pay and \$329 for benefits.)	0	0	1,130
2 Administration of 2017 Pay, 5.8% This request provides for pay increases effective October through December of the 2017 pay increase of 2.48% included in the 2017 Appropriation. The amount requested \$505, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$354 for pay and \$152 for benefits)	0	0	508
3 Attorney and/or Administrative Services To reduce the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	-15	-15	-2,288
4 Employees Compensation Fund The request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.	0	0	26
5 Health Insurance Beginning January 2018, the component's contribution to Federal employees' health insurance increases by 7.7 percent.	0	0	220
6 Position Rehabilitation Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	-125	-20	0
7 Retirement Retirement contributions increase as employees under CSRS retire and are replaced by FEERS employees.	0	0	117
		-140	-259
Domestic Rent and Facilities			
1 GSA Rent GSA continues to charge rental rates that approximate those charged to commercial landlords for each-adjacent spaces and related services. 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.	0	0	251
2 Buildings The Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country.	0	0	16
		0	267
Other Adjustments			
1 Security Investigations The Department of Justice requests to the Office of Personnel Management for security investigations for employees requiring security clearance.	0	0	103
		0	103
Foreign Expenses			
1 State Department Passport Costs Effective on October 1, 2016, DOS will begin charging \$110 per passport application to federal agencies for the cost of the passport. The Department of Justice will continue to fund the cost of the passport application. Traveling abroad to carry out official duties of other federal agencies. \$1,000 reflects this one-time increase to support this new charge.	0	0	1
		0	1
		-140	-35
TOTAL DIRECT TECHNICAL AND BASE ADJUSTMENTS			

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability

Tax Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover Amount	Recoveries/Refunds Amount	FY 2016 Availability		
	Position s	Actual FTE	Amount	Position s	Actual FTE	Amount			Position s	Actual FTE	Amount
General Tax Matters	639	485	106,979	0	0	0	184	83	639	485	107,246
Total Direct	639	485	106,979	0	0	0	184	83	639	485	107,246
Balance Rescission							0	0	0	0	0
Total Direct with Rescission							0	0	0	0	0
Reimbursable FTE			106,979				184	83			107,246
Total Direct and Reimb. FTE		485			0					485	
Other FTE:											
LEAP FTE		0			0					0	
Overtime		0			0					0	
Grand Total, FTE		485			0					485	

Carryover:

Funds were carried over into FY 2016 from GLA's FY 2015 no-year account.

Recoveries/Refunds:

Direct recoveries from GL's no-year ALS account total \$93 thousand.

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability

Tax Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution		Reprogramming/Transfers		Carryover Amount	Recoveries/Refunds Amount	FY 2017 Availability	
	Position	Est. FTE	Position	Est. FTE			Positions	Est. FTE
General Tax Matters	639	534	0	0	40	0	639	107,316
Total Direct	639	534	0	0	40	0	639	107,316
Balance Rescission								
Total Direct with Rescission								
Reimbursable FTE								
Total Direct and Reimb. FTE								
Other FTE:								
LEAP FTE								
Overtime								
Grand Total FTE		534		0				534

Reprogramming/Transfers:
Funding of \$500 thousand was reallocated from GLA's ALS account to the Tax Division.

Carryover:
Funds were carried over into FY 2017 from GLA's FY 2016 no-year account.

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources

Tax Division

Salaries and Expenses

(Dollars in Thousands)

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Debt Collection 3% Fund- Personnel/Special Projects	0	0	11,886	0	0	11,899	0	0	11,923	0	0	24
Budgetary Resources	0	0	11,886	0	0	11,899	0	0	11,923	0	0	24

Obligations by Program Activity	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
General Tax Matters	0	0	11,886	0	0	11,899	0	0	11,923	0	0	24
Budgetary Resources	0	0	11,886	0	0	11,899	0	0	11,923	0	0	24

I. Detail on Permanent Positions by Category

Detail of Permanent Positions by Category

Tax Division
Salaries and Expenses
(Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing		FY 2018 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Resolution Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Personnel Management (0200-0260)	8	0	8	0	-2	0	0	6	0
Clerical and Office Services (0300-0399)	108	0	108	0	-62	0	0	46	0
Accounting and Budget (500-599)	9	0	9	0	-3	0	0	6	0
Paralegals / Other Law (900-998)	125	0	125	0	-74	0	0	51	0
Attorneys (805)	377	0	377	0	0	0	0	377	0
Business & Industry (1100-1199)	0	0	0	0	1	0	0	1	0
Library (1400-1499)	1	0	1	0	0	0	0	1	0
Information Technology Mgmt. (2210-2299)	11	0	11	0	0	0	0	11	0
Total	639	0	639	0	-140	0	0	499	0
Headquarters Washington D.C.	611	0	611	0	-138	0	0	473	0
US Fields	28	0	28	0	-2	0	0	26	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	639	0	639	0	-140	0	0	499	0

K. Summary of Requirements by Object Class
 Tax Division
 Salaries and Expenses
 (Dollars in Thousands)

Object Class	FY 2016 Actual			FY 2017 Continuing		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Resolution		Direct FTE	Amount	Direct FTE	Amount	
			FTE	Amount					
11.1 - Full-time permanent	485	53,112	534	55,110	499	55,313	-35	203	
11.3 - Other than full-time permanent	0	4,518	0	7,550	0	7,394	0	-156	
11.5 - Other personnel compensation	0	906	0	860	0	860	0	0	
Overtime	0	40	0	0	0	0	0	0	
Other Compensation	0	866	0	0	0	0	0	0	
11.8 - Special personal services payments	0	-1	0	10	0	10	0	0	
Total	485	58,535	534	63,530	499	63,577	-35	47	
Other Object Classes									
12.1 - Civilian personnel benefits		17,276		18,448		18,581	0	133	
13.0 - Benefits for former personnel		6		10		10	0	0	
21.0 - Travel and transportation of persons		2,792		3,150		3,150	0	0	
22.0 - Transportation of things		759		800		800	0	0	
23.1 - Rental payments to GSA		10,948		12,592		12,863	0	271	
23.2 - Rental payments to others		452		638		453	0	-185	
23.3 - Communications, utilities, and miscellaneous charges		1,339		1,058		1,058	0	0	
24.0 - Printing and reproduction		50		75		75	0	0	
25.1 - Advisory and assistance services		2,103		0		0	0	0	
25.2 - Other services from non-federal sources		8,936		1,297		757	0	-540	
25.3 - Other goods and services from federal sources		2,801		4,700		4,700	0	0	
25.4 - Operation and maintenance of facilities		22		40		40	0	0	
25.6 - Medical care		53		65		65	0	0	
25.7 - Operation and maintenance of equipment		124		25		25	0	0	
26.0 - Supplies and materials		375		639		639	0	0	
31.0 - Equipment		275		249		65	0	-184	
Total Obligations		106,846		107,316		106,858	0	-458	
Net of:									
Unobligated Balance, Start-of-Year		-184		-40		0	0	40	
Transfers/Reprogramming		0		-500		0	0	500	
Recoveries/Refunds		-83		0		0	0	0	
Balance Rescission		0		0		0	0	0	
Unobligated End-of-Year, Available		40		0		0	0	0	
Unobligated End-of-Year, Expiring		360		0		0	0	0	
Total Direct Requirements		106,979		106,776		106,858	0	82	
Reimbursable FTE	0		0		0		0	0	
Full-Time Permanent									

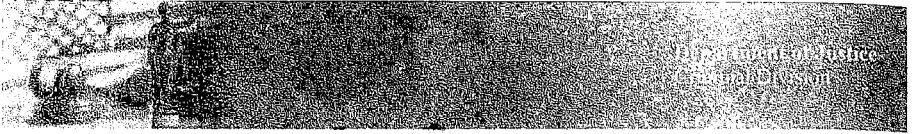
Department of Justice
Criminal Division



Performance Budget
FY 2018 President's Budget

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Department of Justice
Criminal Division

I. Overview of the Criminal Division

Mission Statement

The Criminal Division's mission is to protect the American people from the most serious forms of criminal activity, including transnational criminal organizations, violent gangs, cybercrime, child exploitation, corruption, fraud, and money laundering. The Criminal Division's specialized prosecution units develop and enforce federal criminal laws that target complex, international, and multi-district crime. The Division responds to critical and emerging national and international criminal threats and leads a coordinated, nationwide response to reduce those threats.

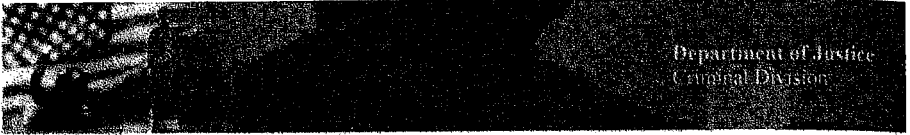
To accomplish this, the Division joins with domestic law enforcement partners to pursue criminal investigations. The Division also partners with U.S. Attorneys' Offices in investigating and prosecuting criminal matters, particularly in complex multi-jurisdictional or international cases. Moreover, the Division plays a critical – and unique – role in fighting transnational crime that endangers the American public. As the “central authority” for U.S. law enforcement interactions with other countries, the Division secures evidence critical to solving crimes against Americans and obtains the extradition of criminals from foreign countries to face justice in U.S. courts. No other organization within the Department or the U.S. Government is authorized or equipped to fulfill this international role – one that is more critical than ever considering the continually increasing globalization and sophistication of crime.

To sustain mission needs, the Criminal Division requests a total of 680 permanent positions, 680 direct Full-Time Equivalent work years (FTE), and \$182,218,000 in its Salaries and Expenses appropriation for Fiscal Year (FY) 2018.

Division Priorities

In working to achieve the Division's mission, the Division has identified the following key strategic outcomes to address the country's most critical justice priorities:

- Disrupting and dismantling domestic and transnational criminal organizations and networks that threaten our country through violence, drug trafficking, human smuggling and immigration offenses, and computer crime;
- Ensuring trust and confidence in government institutions, by reducing public corruption at every level of government;
- Ensuring the stability and security of domestic and global markets, as well as the integrity of government programs, by reducing fraud, money laundering, and other economic crimes, by both corporations and individuals;
- Combating cyber-based threats and attacks and assuring that agents and prosecutors across the country can obtain digital evidence critical to every sort of investigation;
- Protecting our children from exploitation and vindicating human rights;
- Securing evidence located abroad that is essential for successful U.S. prosecutions, and seeking international enforcement of U.S. asset forfeiture orders abroad;
- Assisting foreign law enforcement authorities to obtain evidence in the United States, thereby empowering them to interdict criminal actors on foreign soil before the threat can migrate to the United States;



- Ensuring accountability through extradition for criminals who seek safe haven abroad, while removing violent criminals and other fugitives from our communities to face justice in foreign courts;
 Strengthening justice sector institutions in countries throughout the globe; and
 Supporting crime-fighting efforts across federal, state, and local governments.

The Criminal Division engages in several program activities to achieve its mission:

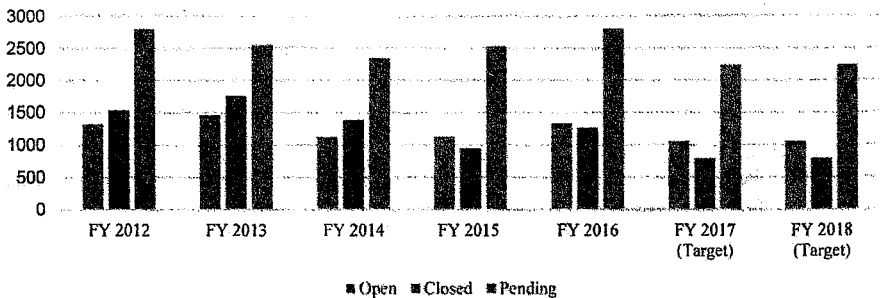
- Investigating and prosecuting cases;
- Providing expert guidance and advice to our prosecutorial and law enforcement partners;
- Authorizing the use of sensitive law enforcement tools; and
- Engaging with domestic partners and foreign counterparts to enforce the law, advance public safety, and achieve justice.

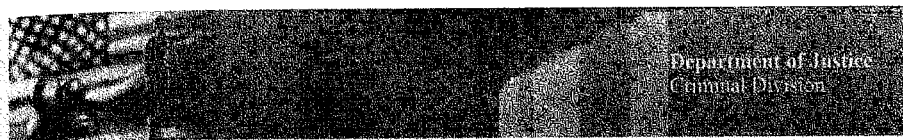
Every day, the Criminal Division performs these functions at the forefront of federal criminal law enforcement.



Program Activities

**Criminal Division Prosecutions and Investigations
 FY 2012-FY 2018**





Investigating and Prosecuting Cases

- Investigating and prosecuting the most significant cases and matters
- Coordinating a wide range of criminal investigations and prosecutions that span multiple jurisdictions and involve multiple law enforcement partners

The Division strives to support its mission by investigating and prosecuting aggressively and responsibly. The Division undertakes complex cases, particularly cases involving multiple jurisdictions or that have an international component. In addition, for certain criminal statutes, the Division approves all federal charging instruments filed throughout the United States to ensure a consistent and coordinated approach to the nation's law enforcement priorities. The Division has a "birds-eye" view of violent crime, organized crime, narcotics, money laundering, white collar crime, public corruption, cybercrime, and other criminal activities. Consequently, the Division is uniquely able to ensure that crimes that occur, both in the United States and across borders, do not go undetected or ignored.

Select Recent Criminal Division Accomplishments in Investigating and Prosecuting Cases¹

Organized Crime and Gang Section (OCGS): The Organized Crime and Gang Section and the United States Attorney's Office for the District of Maryland prosecuted an MS-13 gang case in Greenbelt, Maryland, convicting 15 members of MS-13 who committed seven murders as well as numerous attempted murders, robberies, beatings and other violent crimes. Of the 16 defendants charged in the case, ten defendants pleaded guilty, five were convicted after two trials in 2016, and one defendant remains a fugitive. As the evidence at trial demonstrated, between 2009 and 2014, members of seven MS-13 cliques terrorized communities in Prince George's County and Montgomery County, Maryland, seeking to control the members of these communities through fear, extortion and violence. In one particularly egregious example, members of MS-13 in prison in Guatemala ordered the murder of a young woman. One Maryland member befriended and eventually lured her to a local public park and executed her with a point blank shot to the head. One defendant received a sentence of life plus 30 years, three other defendants received sentences of life imprisonment, and the remaining defendants receiving sentences of between 84 and 360 months.

Narcotic and Dangerous Drug Section (NDDS): During FY 2016, two of the most significant Guatemalan traffickers ever indicted and extradited to the United States, Eliu and Waldemar Lorenzana-Cordon, were tried and convicted of international drug trafficking charges in the District of Columbia. Over the past decade and a half, Guatemala has become a key transshipment point of cocaine from Colombia on its way to Mexico and ultimately the United States. Eliu and Waldemar Lorenzana were the leaders of a Guatemalan transnational criminal organization, specializing in the storage and transportation of tens of thousands of kilograms of cocaine -- a vital cog in the successful distribution of this cocaine into the United States. After their arrest in Guatemala, through the assistance of the Criminal Division's Office of International Affairs and the Guatemalan Attorney General's office, the defendants were extradited in 2014 to the United States. Relying in part on evidence of seizures of thousands of kilograms of cocaine and other events that occurred in Guatemala, foreign wiretap intercepts, documentary evidence, and close to 25 witnesses, including domestic and foreign law enforcement witnesses, subject

¹ CRM completed these cases in conjunction with other Department components and local law enforcement agencies.



matter experts, and cooperating witnesses, NDDS attorneys convicted the defendants on all counts. Though they have not yet been sentenced, the government expects to request a life sentence for each defendant, based on the enormous quantities of cocaine involved and the leadership role of the defendants in the organization.

Money Laundering and Asset Recovery Section (MLARS): MLARS pursues cutting edge money laundering and forfeiture prosecutions in order to dismember the financial infrastructure of transnational criminal organizations and terrorist groups. Two recent MLARS prosecutions that highlight this work include the indictment of four Chinese nationals and a Chinese company for aiding and abetting the violations of U.S. sanctions by a North Korean bank that has been sanctioned for financing North Korean weapons of mass destruction programs. Similarly, MLARS recently indicted a prominent financial supporter of the Hezbollah terror organization, and thanks to the herculean efforts of the Office of International Affairs, convinced a foreign country to deport him to the United States for prosecution.

- Computer Crime and Intellectual Property Section (CCIPS):** In FY 2016, CCIPS successfully prosecuted Roman Valerevich Seleznev for hacking, fraud, and aggravated identity theft. The son of a member of the Russian parliament, Seleznev hacked into retail point-of-sale systems across the United States and installed malicious software to steal credit card numbers between October 2009 and October 2013. Seleznev's scheme caused 3,700 financial institutions more than \$169 million in losses from various businesses from a server he operated in Russia. In addition, many of the businesses he victimized were quite small, and some were forced into bankruptcy as a result of the crime. The investigation by CCIPS and the U.S. Secret Service spanned several years, and culminated when the Office of International Affairs coordinated Seleznev's arrest and expulsion from the Maldives to the United States, despite substantial counter pressure from Russia. The case presented numerous challenges that have become all too common in sophisticated hacking and data breach schemes, such as the need for experts in digital forensics. Seleznev was recently sentenced to 27 years in prison. The CCIPS Cybercrime Laboratory provided critical analysis and testimony that helped secure the conviction.

Capital Case Section (CCS): During FY 2017, Dylann Roof was tried, convicted and sentenced to death in the District of South Carolina for murdering nine victims and attempting to murder three others, all of whom were participating in a Bible study class at the Mother Emanuel Church in Charleston. Roof selected the victims because they were African-Americans and targeted the church to maximize the notoriety of his crimes. He sat with the victims for 45 minutes. As they stood to close their study session with prayer, Roof pulled a pistol from a pouch and began shooting. As the victims sought shelter underneath tables, Roof circled them, reloading with seven magazines as he fired more than 70 rounds. He was charged in a 33-count indictment, which included multiple violations of the Hate Crimes Act, obstructing the free exercise of religious beliefs resulting in death, and use of a firearm to commit murder during a federal crime of violence. Eighteen counts charged capital crimes. The two-month trial, prosecuted jointly by CCS, the U.S. Attorney's Office, and the Civil Rights Division, included testimony from dozens of law enforcement and victim witnesses, subject matter experts, documentary evidence from computer and internet searches linking Roof to white supremacy beliefs, as well as testimony from multiple psychological experts during two last-minute competency hearings. The jury convicted Roof of all charges and sentenced him to death on each capital count.

Fraud Section (FRD): Fraud has led several nationwide investigations into corporate fraud that harms American customers of international corporations. For example, in December 2016, three executives of Takata Corporation, one of the world's largest suppliers of automotive safety-related equipment, were charged with conspiracy and wire fraud for their roles in Takata's fraudulent conduct relating to sales of defective airbag inflators. Recently, in January 2017, Takata agreed to plead guilty to wire fraud as a result of its 15-year scheme to falsify information about airbag inflators to make the performance of the airbag inflator appear better than it actually was, including by omitting that, in some instances, inflators ruptured during testing. Even after the inflators began to experience repeated problems in the field, Takata executives continued to withhold the true and accurate inflator test information and data from their customers. Takata agreed to pay \$1 billion in criminal penalties, to retain an independent compliance monitor and to cooperate fully with the department's ongoing investigation, including its investigation of individuals.

Child Exploitation and Obscenity Section (CEOS): CEOS continued its innovative work to address the sexual exploitation of children on the Dark Internet, where anonymization technology conceals the identities of offenders, by targeting the administrators and users of "Playpen" – a highly-sophisticated global enterprise dedicated to the sexual exploitation of children, organized via a members-only website that operated on the Tor anonymity network. Playpen's administrators and more than 150,000 other members authored and viewed tens of thousands of postings relating to the sexual abuse of children as young as infants and toddlers. Images and videos shared through the website were carefully curated and categorized by victim age and gender, as well as the type of sexual activity, such as hardcore images of pre-teen boys and girls. The Playpen web server was seized in February of 2015 from a web-hosting facility in North Carolina. It was then hosted for a brief period at an FBI facility in the Eastern District of Virginia in order for the FBI to deploy a court-authorized network investigative technique ("NIT") and monitor user communications pursuant to a Title III order in an effort to identify site users. More than 300 individuals have been arrested, at least 51 hands-on offenders and 17 producers of child pornography have been prosecuted, and 55 American children who were subjected to sexual abuse have been successfully identified or rescued. The primary site administrator, Steven W. Chase, was convicted at trial by a jury of engaging in a child exploitation enterprise and related charges. Chase's co-defendants – one a fellow administrator, the other a Playpen global moderator – were each sentenced following guilty pleas to 20 years in prison and lifetime supervised release. CEOS, the Western District of Washington, and U.S. Attorney's Offices around the country, with the assistance of CCIPS and the Criminal Division's Appellate Section, have defended the investigation against aggressive legal challenges pertaining to the FBI investigation, authorization of the NIT warrant, and motions to compel discovery pertaining to the NIT source code.

Fraud Section (FRD): Fraud continued to investigate and prosecute healthcare fraud during FY 2016. In July 2016, Philip Esformes, the owner of a vast network of South Florida skilled nursing and assisted living facilities, was charged in one of the largest health care fraud cases ever uncovered – involving over \$1 billion in fraudulent billings to Medicare and Medicaid by more than 30 Miami-area health care providers. Esformes and his co-conspirators forced Medicare and Medicaid beneficiaries (thousands of patients over a 10-year period) to be submitted to medically unnecessary treatment from other health care providers, including home health care and mental health providers, in exchange for kickbacks disguised in the form of payments to escorts, charitable donations, payments for services, and sham lease payments. The

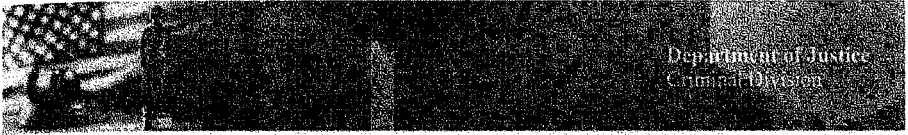


investigation recently uncovered evidence that, in order to maximize billing to Medicare and Medicaid, Esformes and his co-conspirators purposely filled many of the facilities with patients who did not need skilled nursing services, but instead suffered from extreme psychiatric illnesses. At times, this led to patient harm resulting from violent confrontations initiated by the patients suffering from mental illnesses on the vulnerable elderly patient populations at the facilities.

Public Integrity Section (PIN): Investigations involving corruption in the legislative branch involve great sensitivities and unique issues, and PIN has developed substantial expertise in those matters. Over just the past two years, PIN has been at the center of several significant investigations involving public corruption and fraud involving Members of Congress: (1) the Section handled the indictment of United States Senator Robert Menendez for bribery, concealment, and conspiracy, and the case is scheduled for trial in September 2017; (2) in 2016, the Section indicted then-Congresswoman Corrine Brown on charges of fraud, concealment, and tax violations, and that case is scheduled for trial in Jacksonville, Florida in April/May of 2017; (3) in 2016, PIN tried and convicted former Congressman Chaka Fattah, Sr. on charges including RICO conspiracy, bribery, money laundering, and fraud, and Fattah was sentenced to 10 years in prison; and (4) in March 2017, PIN returned an indictment against former Congressman Steve Stockman for an extensive fraud scheme. In each of these sensitive matters, PIN brings its extensive experience to bear in order to ensure that these sensitive matters are handled appropriately, fairly, and impartially across the country.

Office of International Affairs (OIA): On January 19, 2017, after extensive effort by OIA and other U.S. government entities, Mexico extradited Mexican national Joaquin Guzman Loera, widely known as El Chapo, to stand trial in the Eastern District of New York on multiple drug trafficking-related charges. Throughout the course of the investigation, authorities seized nearly 200,000 kilograms of cocaine linked to the Sinaloa Cartel, and the cartel, under Guzman Loera's supervision, smuggled an estimated \$14 billion dollars from the United States to Mexico and engaged in countless acts of violence. On July 11, 2015, while detained in a Mexican high-security prison, Guzman Loera escaped through a tunnel underneath his prison cell. Guzman Loera remained a fugitive for approximately six months during which OIA, through constant consultation with Mexican authorities and U.S. prosecution teams, managed the extradition process, which was based on two U.S. indictments from the Southern District of California and the Western District of Texas. Guzman Loera was re-captured on January 10, 2016, and Mexico granted his extradition in May 2016. After exhausting all of his appeals, Guzman Loera was extradited on January 19, 2017.

Appellate Section: The Appellate Section handles a broad range of appeals for the United States Attorney's Offices, the Criminal Division, and occasionally the other litigating Divisions. Although these appeals run the gamut from capital cases to fraud to child exploitation, three en banc victories are summarized here. In each, the Section assumed responsibility for the case after the panel ruled against the government. First, in United States v. Shaquille Robinson (4th Cir. Jan. 17, 2017) (en banc), the Section persuaded the full Fourth Circuit to review a panel decision holding that a police officer may frisk a passenger during a lawful traffic stop only if the officer has reason to believe that an armed suspect is also dangerous. After briefing and argument by a Section attorney, the en banc court held that "armed and dangerous" is a unitary concept. If an officer has reason to believe that a lawfully stopped motorist is armed, he may frisk the motorist and seize the firearm for the duration of the stop "for the officer's protection and for the

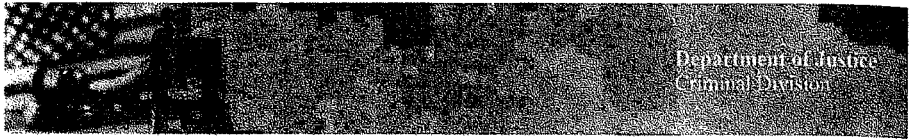


protection of everyone on the scene.” No additional evidence of dangerousness is required, even if state law permits concealed carry. In United States v. Gonzalez-Longoria (5th Cir. Aug. 5, 2016) (en banc), a Section attorney persuaded the full Fifth Circuit to hold that the “crime of violence” definition in 18 U.S.C. § 16(b) is not unconstitutionally vague despite its similarity to the residual clause of the Armed Career Criminal Act, which the Supreme Court invalidated in Johnson v. United States (2015). To date, the Fifth Circuit is the only circuit to rule in our favor. The same issue is now before the Supreme Court, and its resolution could have broad ramifications. Finally, after a panel of the Sixth Circuit held that the “lapse of time” clause in the U.S.-Mexico extradition treaty incorporates the Sixth Amendment speedy trial requirement, the Section persuaded the full Sixth Circuit to vacate that decision and reject that reading of the treaty. Martinez v. United States (6th Cir. July 7, 2016) (en banc). Because many of our extradition treaties have the same “lapse of time” language, this decision was critical to our extradition efforts.

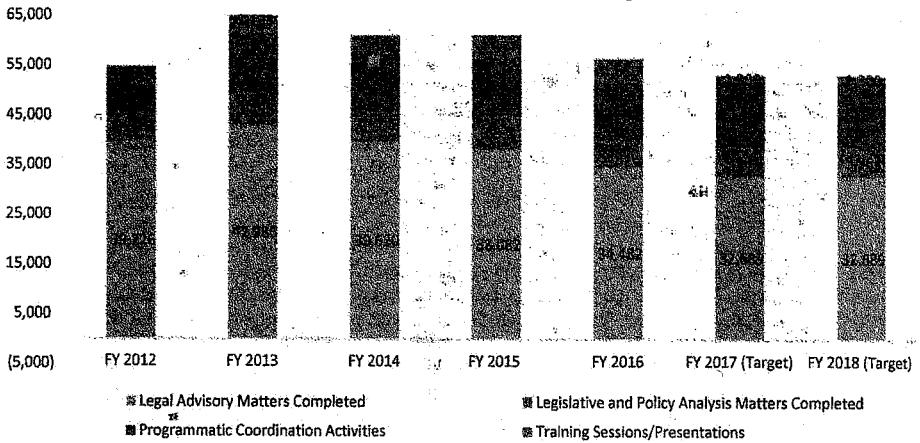
Human Rights and Special Prosecutions (HRSP): HRSP prosecutes international violent criminals and human smuggling networks that threaten our national security. Recent prosecutions include: the conviction of a Pakistani human smuggler who smuggled dozens of people into the United States including those who are suspected national security threats; the conviction of seven Colombian nationals who killed a DEA agent stationed in Colombia; and the conviction of a former Bosnian soldier who became a naturalized U.S. citizen by concealing his conviction in Bosnia for war crimes stemming from his abuse of prisoners at a detention camp.

Providing Expert Guidance and Advice

- Developing and supporting effective crime reduction strategies and programs
- Driving policy, legislative, and regulatory reforms
- Providing expert counsel and training in criminal enforcement matters to state, local, and federal and foreign enforcement partners



Expert Guidance and Legal Advice



The Criminal Division serves as the strategic hub of legal and enforcement experience, expertise, and strategy in the fight against national and international criminal threats. Consequently, its expert guidance and advice are crucial to the successful application of criminal law throughout the country. The Division leads the national effort to address emerging criminal trends, including the increasingly international scope of criminal activity. The guidance provided to U.S. Attorneys' Offices and other federal law enforcement partners promotes coordination, efficiently uses resources, leverages expertise, and furthers the Department of Justice's mission to ensure justice.

Select Recent Criminal Division Accomplishments in Providing Expert Guidance and Advice

- Office of International Affairs (OIA):** On a daily basis, OIA provides expert support to prosecutors at home and abroad navigating the domestic and foreign laws, as well as treaty and other requirements, central to obtaining both the return of fugitives and the evidence needed to convict them. For example, in February 2016, OIA facilitated Cyprus' extradition of Moldovan national Andrey Ghinkul to stand trial in the U.S. for wire fraud, unlawful access to a computer, bank fraud, and conspiracy. The FBI investigation revealed that since November 2011, Ghinkul conspired with others to create and disseminate worldwide the "Bugat" malware and to engage in wire and bank fraud schemes. Also, in November 2016, OIA provided expertise and support to the U.S. Attorney's Office in litigating the extradition of Croatian national Azra Basic to Bosnia and Herzegovina to stand trial for war crimes—including murder and torture—committed in 1992. In addition to supporting domestic and foreign prosecutors and law enforcement with their cases, OIA is DOJ's primary expert on international criminal matters, providing legal and strategic guidance to DOJ leadership on a range of policy and multilateral matters, including, for example, the recent Data Privacy and Protection Agreement, in which DOJ led a U.S.



Government delegation in negotiations with the European Commission that facilitated the continued, unimpeded flow of law-enforcement information across the Atlantic.

- Office of Policy and Legislation (OPL):** OPL supports the Department's crime fighting mission by developing, drafting, and working to see enacted crime legislation, amendments to the Federal Rules of Criminal Procedure and to the United States Sentencing Guidelines. In 2016, for example, OPL worked with the US Attorney community, other components of the Criminal Division, and the Sentencing Commission to develop and enact amendments to the sentencing guidelines for immigration offenses. These guidelines are used each year to sentence thousands of illegal aliens who have entered the country as well as those who smuggle illegal aliens into the country. The amended guidelines will ensure that these offenders are appropriately held accountable. 2016 also saw the culmination of OPL's work -- with the Computer Crime and Intellectual Property Section, the FBI and the National Security Division -- to enact an amendment to Rule 41 of the Federal Rules of Criminal Procedure that will enable our law-enforcement agencies to more effectively and efficiently take down botnets (networks of infected computers used to commit crimes) and to identify criminals who use the internet to commit frauds, extortion and other serious crimes utilizing anonymizing software to hide their identities.

International Criminal Investigative Training Assistance Program (ICITAP): During FY 2016, ICITAP continued developing advanced forensic capabilities in Mexican states, where drug cartels have a significant foothold. ICITAP recently assisted crime-scene units in three cities in Baja California (Tijuana, Mexicali, and Ensenada) to obtain accreditation under international standards. This area has witnessed a tremendous increase in the number of murders and the appearance of banners with messages from cartels. Tijuana alone hit a record high of 910 murders in 2016, up from 364 in 2012. The training and accreditation of these crime-scene units now ensures that evidence is properly collected and helps the testimony of forensic experts withstand the scrutiny of criminal trials. ICITAP has also provided training and technical assistance in firearms identification to forensic laboratories in several states including Sinaloa, home to the notorious Sinaloa Cartel. Since the recapture and extradition of Joaquin Guzman Lorea, gun violence has exploded. In January 2017 alone, there were 116 homicides in Sinaloa, which the state attorney general stated was 50 percent higher than the same month in 2016. The training and mentoring in the firearm units of the forensic laboratories is helping link numerous crimes by the cartels through the upload of evidence into the Mexican ballistics database.

- Appellate Section:** The Appellate Section helps federal prosecutors on a daily basis with a vast range of issues, and also provides written guidance on recent Supreme Court decisions. Last year, in *United States v. Victor Stitt*, the Sixth Circuit granted en banc review on the question whether a Tennessee aggravated burglary conviction constituted a violent felony under the Armed Career Criminal Act (ACCA). The U.S. Attorney's Office in Knoxville (through the Appellate Chief) requested the Section's advice on how to proceed given that a number of federal defendants in Tennessee qualify for ACCA enhanced sentences due to prior convictions for Tennessee aggravated burglary. The Section solicited views from all three Tennessee offices (Memphis, Nashville, and Knoxville), which provided different views on the position the government should take in this litigation. The Section also discovered that Texas had a similarly worded burglary statute and, accordingly, solicited advice from the Texas U.S. Attorney's Offices on how we should proceed. Finally, the Section alerted the Solicitor General's Office about this case, given that the Sixth Circuit's decision here would contribute to an existing circuit disagreement regarding the interplay between state burglary statutes and the ACCA. Based on



the feedback the Section received, it advised the U.S. Attorney's Office in Knoxville to defend the ACCA designation using two specific legal theories. At the request of the U.S. Attorney's Office, a Section attorney helped draft the government's en banc brief.

Overseas Prosecutorial Development, Assistance and Training (OPDAT): OPDAT, through targeted case-based mentoring, expert guidance, and technical assistance, has provided critical support to global efforts to combat transnational organized crime, to fight terrorism, to counter violent extremism, to address corruption, and to build strong partner prosecutorial and judicial institutions. In Central America, OPDAT's efforts to spearhead the creation of task forces have resulted in major operations against MS-13 leadership and assets. Recently, in February 2017, with OPDAT mentoring, the Honduran Government recovered \$800 million in assets belonging to the Los Cachiros Cartel, effectively dismantling the organization. In the Balkans, the OPDAT Regional Counterterrorism Resident Legal Advisor (RLA) program has provided extensive assistance to investigators, prosecutors, and judges in Albania, Bosnia-Herzegovina, Kosovo, and Macedonia. This program has led to more than 115 convictions and guilty pleas in foreign terrorist fighter cases. In Uganda, with expert prosecutorial mentoring and guidance from the OPDAT RLA, a court convicted eight defendants for Al Shabaab's bombing of public restaurants during the July 2010 World Cup soccer tournament. Further, in Algeria as a result of OPDAT assistance, Algeria achieved removal from the Financial Action Task Force's (FATF's) "gray list" after passing legislation criminalizing money laundering and the financing of terrorism. To mitigate the risk of juvenile radicalization, OPDAT has strengthened the Kenya Children's Court's capacity to properly handle juvenile cases and reduce case backlog. In Niger, the counterterrorism unit at the Trial Court has added a new investigating judge dedicated to juvenile cases. In the Republic of Georgia, OPDAT worked with the Prosecution Service of Georgia to develop victim-witness services for victims of violent crimes. In Albania, OPDAT advanced a series of constitutional amendments, and six implementing laws, to combat public corruption by instituting the mandatory vetting of judges and prosecutors for unexplained wealth, organized crime links, and professional competence. These laws also created new anti-corruption agencies to independently investigate and prosecute cases of corruption.

CCIPS Cybercrime Laboratory: The CCIPS Cybercrime Laboratory is a resource dedicated to the needs of prosecutors and provides advanced technical support when the abilities or efforts of the investigative agency are not sufficient to meet those needs. For example, in one recent case charging a hacker who victimized women by threatening to reveal personal information and photos of theirs, Laboratory analysts undertook an examination of a seized wireless phone that had previously been examined by an investigating agency. After painstakingly analyzing the phone using a number of forensic tools, the lead analyst on the matter found previously undiscovered information that was critical to obtaining a timely guilty plea. The lead prosecutor on the case praised the Laboratory's actions, noting "He knew exactly what to look for, where to look, what to make of it, and he found it." The Laboratory supported its analytical work with a written report that summarized the findings and analytic rationales succinctly and thoroughly. The Laboratory's efforts in support of the prosecutors in the case were extremely appreciated by the entire prosecution team. This is only one example of the critical work being done by the Laboratory in support of important prosecutions, ranging from serious fraud to terrorism, that require careful analysis of electronic evidence.

Money Laundering and Asset Recovery Section (MLARS): MLARS provides expert and sustained support to the DEA's Special Operations Division, the U.S. Attorney's Offices, and the



FBI and Homeland Security Investigations on undercover operations involving sensitive information or tactics. MLARS is also frequently called upon by the Solicitor General's Office, Criminal Division's Appellate Section and occasionally Civil Division's Appellate Section to provide subject matter expertise and assistance in the briefing and preparation for oral argument in appellate cases presenting complex forfeiture and money laundering issues. MLARS is also charged with reviewing and approving the use of a variety of sensitive forfeiture and money laundering decisions and techniques.

Reviewing the Use of Sensitive Law Enforcement Tools



Approving and overseeing the use of the most sophisticated investigative tools in the federal arsenal

The Division serves as the Department's "nerve center" for many critical operational matters. It is the Division's responsibility to ensure that investigators are effectively and appropriately using available sensitive law enforcement tools. These tools include Title III wiretaps, electronic evidence-gathering authorities, correspondent banking subpoenas, and the Witness Security Program. In the international arena, the Division manages the Department's relations with foreign counterparts and coordinates all prisoner transfers, extraditions, and mutual legal assistance requests. Lastly, the Division handles numerous requests for approval from U.S. Attorneys' Offices to use sensitive law enforcement techniques, in conjunction with particular criminal statutes. For example, the Division reviews every racketeering indictment that is brought across the nation, and supervises every Foreign Corrupt Practices Act case. In these ways, the Division serves a critical and unique role in ensuring consistency across districts and continuity over time, and the even-handed application of those statutes.



Select Recent Criminal Division Accomplishments in Reviewing the Use of Sensitive Law Enforcement Tools

Office of Enforcement Operations' (OEO) Electronic Surveillance Unit: During FY 2016, OEO reviewed thousands of requests to conduct electronic surveillance, which included thousands of facilities. Those requests continue to increase in complexity, reflecting targets' (primarily narcotics traffickers) ever-increasing efforts to conceal their criminal activities from law enforcement scrutiny and interference. OEO continues to keep pace with ever-evolving technology and works with law enforcement to conduct electronic surveillance on facilities using new and emerging technologies. In addition, OEO provides extensive electronic surveillance training and guidance to Assistant United States Attorneys, as well as to investigative agents from many law enforcement agencies.

Office of International Affairs (OIA): Through a vast network of international relationships and treaties, OIA—as the “Central Authority” for the United States—obtains evidence located abroad that is essential for successful U.S. prosecutions, seeks enforcement of U.S. asset forfeiture orders abroad, arranges return of assets to the United States, and executes foreign countries' requests for evidence located in the United States. Since FY 2010, the number of requests from foreign authorities handled by OIA has increased 41 percent. In FY 2016, OIA opened 3,929 foreign requests for assistance, and also granted assistance, in whole or in part, for 2,894 requests. In addition to its central role in evidence gathering, OIA also plays a key role in developing and approving fugitive lure operations and unilateral subpoenas for records stored abroad.

Organized Crime and Gang Section (OCGS): OCGS provides guidance to the U.S. Attorney's Offices regarding, and approves all indictments charging, violations of the Racketeer Influenced and Corrupt Organizations Act (RICO). For example, OCGS consulted extensively with the U.S. Attorney's Office in the Eastern District of New York (EDNY) regarding RICO charges against various individuals in connection with their participation in a scheme stretching back to 1991 to enrich themselves through the corruption of international soccer. The charged defendants include high-ranking officials of FIFA, international soccer's governing body, leaders of other soccer governing bodies under the FIFA umbrella, as well as sports marketing executives and companies who agreed to pay over \$150 million in bribes to obtain lucrative media and marketing rights for international soccer tournaments. OCGS continues to consult regularly with EDNY in connection with the ongoing case.

Engaging with Domestic Partners and Foreign Counterparts to Enforce the Law, Advance Public Safety, and Achieve Justice

Helping international law enforcement partners build capacity to prosecute and investigate crime within their borders by providing training and assistance

Coordinating with international criminal enforcement authorities to foster operational cooperation

The Division's lawyers and other personnel are located in countries around the world. Posts in 10 countries are maintained to foster relationships and participate in operations with international law enforcement and prosecutors. The Division also has personnel who provide assistance to foreign governments in developing and maintaining viable criminal justice institutions. Two of the Division's



sections, the International Criminal Investigative, Training and Assistance Program (ICITAP) and the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) promote cooperation in transnational criminal matters and build the capacity in partner nations to provide modern professional law enforcement services based on democratic principles and respect for human rights.

The Office of International Affairs (OIA), for its part, also plays a critical role in strengthening U.S. partnerships with foreign countries, which is essential to ensuring justice in individual criminal cases and protecting our national security. In the past few years, OIA has given increased attention to requests from foreign counterparts seeking electronic records, which have exploded consistent with the rapid rise in worldwide access to the internet. Attorneys from OIA's specialized Cyber Unit provide critical support to partner countries seeking electronic records from the U.S. by training prosecutors and investigators on applicable U.S. legal standards.

Select Recent Criminal Division Accomplishments in Engaging with Domestic Partners and Foreign Counterparts to Enforce the Law, Advance Public Safety, and Achieve Justice

Overseas Prosecutorial Development, Assistance and Training (OPDAT): With multifaceted initiatives, OPDAT has fostered strong, collaborative relationships with U.S. strategic partners on key transnational criminal issues. For example, OPDAT has developed, trained, and supported Indonesia's Attorney General's Terrorism and Transnational Crimes Task Force (SATGAS), which has become a key U.S. Government partner. Since 2015, SATGAS has prosecuted more than 128 terrorism cases, with 20 cases focused on foreign terrorist fighters. OPDAT RLA programs in Central America provided mentoring and facilitated coordination among counterparts in Honduras, Guatemala, El Salvador, Panama, and Costa Rica on "Operation Mesoamerica," a regional anti-smuggling investigation which resulted in the arrest of 41 members of a human smuggling network operating throughout North, Central, and South America. OPDAT also helped to improve coordination between Canada, the United States, and Mexico on Amber Alerts to locate missing children, resulting in the resolution of eight cross-border missing children cases. In North Africa, the OPDAT Resident Legal Advisor in Morocco has helped strengthen regional coordination to combat terrorism and foreign terrorist fighters, where cooperation between Morocco, the European Union, and the U.S. has resulted in the successful prosecution of 36 terrorism cases. Also, in FY 2016, OPDAT deployed the first Regional Legal Advisor for Cybercrime in Southeast Asia, to focus on building the capacity of Malaysia and other countries in the region to receive, evaluate, and respond to requests for cooperation on cybercrime and electronic evidence related matters from law enforcement authorities in partner nations through both formal and informal channels. Additionally, OPDAT has also partnered with OIA on engagements designed to foster and build capacity globally for stronger international cooperation, as well as to bolster and solidify central authorities.

International Criminal Investigative Training Assistance Program's (ICITAP): ICITAP is working closely with the FBI to develop a new Bangladesh Police Counter Terrorism (CT) Unit, which will further advance critical cooperation and interoperability between Bangladesh and DOJ law enforcement agencies. In March, ICITAP facilitated an assessment of the unit to identify needs and gaps. This was the first step in a broader program to support the government of Bangladesh's efforts to combat terrorism, radicalization, and violent extremism, and to improve law enforcement's capabilities to conduct CT investigations. In September, ICITAP led a CT study tour to Washington, D.C., for a high-level delegation of Bangladeshi police and corrections officials. The study tour included visits to FBI headquarters, the FBI National Academy, and the



National Counterterrorism Center, as well as CT-related meetings at the Departments of Justice and State. This trip was designed to strengthen CT relationships between the governments of Bangladesh and the United States. In an official cable sent by U.S. Embassy-Dhaka on July 20, 2016, ICITAP received extensive recognition for the role it plays in supporting the U.S. mission's countering violent extremism (CVE) goals. The cable describes several ICITAP CVE-related initiatives, but also recognizes that "ICITAP support to law enforcement in areas not specific to CVE still have the effect of building the public's trust and confidence in the police, thus benefiting our CVE goals."

Office of International Affairs (OIA): In FY 2016, OIA obtained the first known extraditions from Lebanon, Indonesia, Namibia, and Qatar, representing the fruits of enhanced cooperative operational efforts between these countries, DOJ, and the State Department. Also, to strengthen its cooperation with the Division's foreign partners in cyber matters, OIA engages in case-based mentoring and in-person trainings at home and overseas. Our foreign partners have overwhelmingly cited this kind of training and capacity building as fundamental to their ability to investigate and prosecute cybercrime. Illustrating the success of these efforts, in FY 2016, OIA facilitated the return of 413 fugitives to face justice here in the U.S. During the same period, OIA also secured the successful extradition of 53 fugitives out of the U.S. to face charges abroad.

Criminal Division Overseas Presence – All Sources



● Includes Direct and Program Funded Positions



Challenges to Achieving Outcomes

Many factors, both external and internal, affect the Criminal Division's capacity to accomplish its goals. While some of these factors are beyond its control, the Division strives to navigate these obstacles successfully, with an effort to minimize the negative impact these factors have on the Division's critical mission.

External Challenges

The most impactful external challenge for the Criminal Division is flat funding, which has directly impacted its international programs. The Division works tirelessly with its domestic and international partners to address the globalization of criminal threats. However, the Division has struggled to secure sustainment funding in FY 2015, FY 2016, and FY 2017 for even its *existing staff* engaged in this important international work.

1. **Globalization of Crime:** The increasing globalization of crime and the emergence of transnational threats will continue to bring new challenges to law enforcement, both at home and abroad. In its commitment to combat transnational threats, the Criminal Division develops criminal policies and legislation, while monitoring both national and transnational criminal trends, and is the Central Authority of the United States under treaties, working to ensure that criminals find no safe haven and that U.S. and foreign prosecutors receive the assistance they need to secure convictions.

No other agency in the U.S. government fulfills this essential role. The work of the Office of International Affairs (OIA) directly benefits federal, state, local, and foreign prosecutors and investigators who, increasingly, pursue transnational crime. The Division has the breadth of experience and the unique capability to build essential global partnerships to successfully combat transnational crimes, but lacks the critical resources to keep pace with the increasing demand for its services and the increased complexity of crimes.

For example, OIA has specifically seen the complexity of requests for the production of computer records from U.S. technology companies increase. Such requests are labor intensive and time consuming. In view of the increased use of the internet to facilitate the commission of crime, and the resulting need for electronic evidence, there has been a dramatic increase in requests for electronic evidence.

In recognition of the significantly increased workload demands, in FY 2015 DOJ transferred \$13.5 million in one-time funding to the Criminal Division for OIA. As a result, OIA was able to hire the staff it needed to meet workload demands, and the impressive results that were achieved with this additional staff are further discussed in the performance section. These impressive results, however, are threatened by the challenge of maintaining the enhanced staffing levels during times of flat funding.

2. **International Rule of Law:** Some countries lack effective policies, laws, and judicial systems to investigate and prosecute criminals in their countries. This creates obstacles for U.S. prosecutors as they work to bring transnational criminals to justice and seize their ill-gotten profits. Through the Criminal Division's International Criminal Investigative Training Assistance Program (ICITAP) and Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) programs, the Division works with its foreign counterparts to address these issues. Both

programs receive reimbursable funding from the State Department in the form of Interagency Agreements. The majority of headquarters funding comes from overhead provided in these Interagency Agreements. However, overhead funding is insufficient to support headquarters operations and has proven to be unpredictable. The Division continues to partner with the Department of State to identify stable funding to ensure continued operations.

Headquarters operations are vital to the funding, origination, development, oversight, management, and implementation of DOJ's foreign assistance programs. Headquarters personnel participate in interagency initiatives, develop program plans and proposals, ensure institutional knowledge of justice sector standards and development assistance best practices, and advocate on behalf of the Attorney General. They also have a unique role in coordinating the Department's Security Sector Assistance programs.

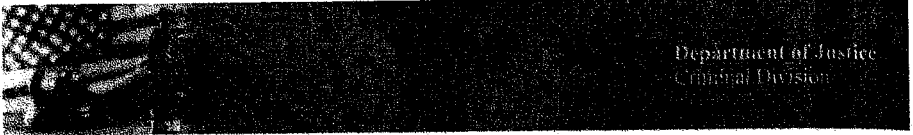
Indicative of the importance of these programs, the Division has allocated some of its direct appropriations to support headquarters operations and push insolvency further into the future, but this is not sustainable with continued flat funding.

Internal Challenges

The Criminal Division faces a number of internal challenges. The most impactful internal challenge faced by the Division is maintaining the staffing levels needed to effectively and efficiently meet program goals and support the mission of the Division during times of flat funding. The Division prides itself in the quality of work that it provides to its government partners and the American people, and this is only possible by maintaining a staff of the most qualified civil servants at sufficient levels.

Consistent with previous budget submissions, information technology tools continue to be an internal challenge for the Criminal Division. These tools range from the use of Automated Litigation Support (ALS) to internal information and network security, to understanding the advances in technology used by criminals.

1. **Automated Litigation Support:** The Division continues to experience increased demand for ALS services vital to the investigation and prosecution of increasingly complex crimes that require a massive amount of data to be processed and stored. For some of the largest cases for the Division, these costs can be significant over the course of several years.
2. **Information and Network Security:** To stay one step ahead of criminals, the Division needs to acquire the most advanced IT equipment and software available. Additionally, it must ensure that it is invulnerable to cyber-attacks or computer intrusions.
3. **Rapidly Evolving Technologies:** New technologies have generated cutting-edge methods for committing crimes, such as the use of the internet to commit identity theft and the use of "darknet" web sites to conceal the sexual abuse of children and the sharing of video of that exploitation. These technologies continue to pose many challenges to law enforcement agents and prosecutors alike. The Division strives to keep pace with these cutting-edge methods of technology and provides training and assistance to other prosecutors and investigators.



Budget & Performance Integration

This budget demonstrates how the Criminal Division's resources directly support the achievement of the Department's priorities – both nationally and internationally. The Division reports as a single decision unit; therefore, its resources are presented in this budget, as a whole. Total costs represent both direct and indirect costs, including administrative functions and systems. The performance/resources table in Section IV of this budget provides further detail on the Division's performance-based budget.

Office of International Affairs Performance Discussion

Recognizing the significantly increased demands on the under-resourced OIA, in FY 2015, DOJ transferred \$13.5 million in one-time funding to the Criminal Division to support OIA's MLAT Reform. This critical transfer allowed OIA to increase staffing and reform its internal structure and processes, enhancing its ability to support DOJ's mission in holding accountable violent criminals, terrorists, and other threats to our national security.

OIA secures the return of fugitives for criminal prosecution through extradition and other lawful means, and facilitates the removal of criminals from the United States to face justice abroad. As the U.S. Central Authority, OIA employs a vast network of international relationships and treaties to obtain essential evidence located abroad, seek the return of assets to the United States, and secure other assistance necessary for successful U.S. criminal investigations and prosecutions. OIA also enhances our foreign partners' ability to investigate and prosecute crime abroad by providing them with U.S. evidence and other assistance. No other component in the U.S. government fulfills this indispensable role. OIA's unique functions and expertise are critical to accomplishing the Department's strategic goals and directly benefit federal, state, and local investigations and prosecutions.

Pre-Reform Challenges:

Before implementing the reform, OIA faced a backlog of requests, a significant number of which were from foreign authorities seeking electronic records held by U.S. communications service providers. As volume increased and OIA staffing levels decreased, the backlog prompted complaints from foreign partners and threatened reciprocal cooperation critical to many U.S. investigations. The technology industry also called for MLAT reform, as foreign authorities began to pressure U.S. companies to store data overseas, putting U.S. companies in difficult positions and threatening U.S. cybersecurity efforts.

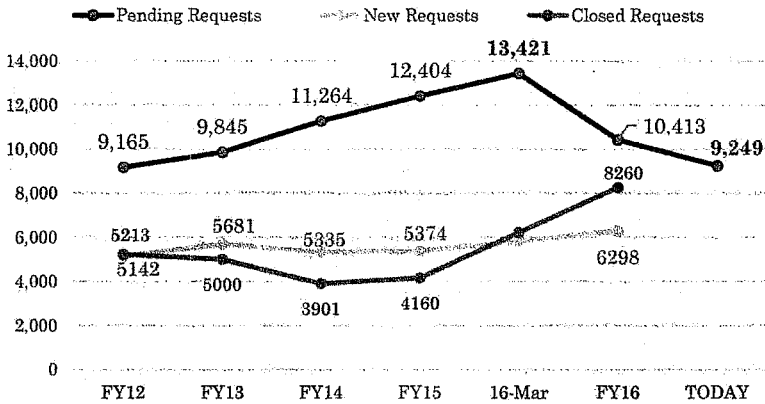
Solution:

OIA's solution was to create a new model for handling foreign assistance requests to reduce the backlog, eliminate inefficiencies, and expedite the execution process. OIA created two dedicated units to address foreign MLA requests in-house and made substantial changes to case management protocols and data collection procedures. Capitalizing on these efficiencies, OIA attorneys are now executing requests in federal court on behalf of foreign authorities, significantly relieving the U.S. Attorneys' Offices that previously shouldered most of this burden.



Results:

Under this new model, OIA has reduced its backlog of all pending requests from an all-time high of 13,421 in March of 2016 to 9,249 in May of 2017 and closed more cases in FY 2016 than in the previous two years combined.

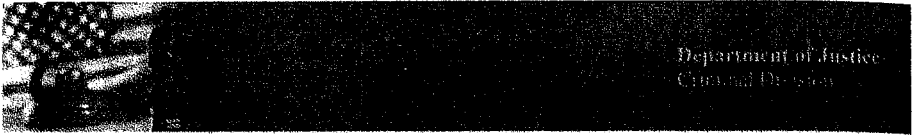


OIA is executing incoming requests more quickly and efficiently, reducing the risk to U.S. citizens by empowering foreign authorities to interdict criminal actors on foreign soil before the threat can migrate to the United States. The results are clear: OIA granted twice as many foreign requests for evidence in FY 2016 as compared to FY 2015.

Furthermore, OIA's regionally focused teams are now free to work exclusively on fugitive returns and collection of evidence abroad for U.S. prosecutions and investigations. MLA reform encourages enhanced cooperation in international evidence gathering. From FY 2015 to FY 2016, the number of requests in which OIA secured evidence and other assistance from overseas for prosecutors in the U.S. increased by 112%.

Continuing Challenges:

OIA's transformation is not yet complete and challenges remain. The demands on OIA in obtaining fugitives and evidence in critical law enforcement operations have not abated since FY 2015. The challenges foreign counterparts face in preparing requests that meet U.S. legal standards persist. The reorganized OIA is increasingly focused on identifying, apprehending, and extraditing dangerous fugitives around the world, and obtaining evidence located abroad that is critical to U.S. criminal prosecutions, including for state and local offenses. Yet, OIA's ability to support DOJ's mission relies on sustaining the reorganized model, which is only maintained at the current staffing level.



Environmental Accountability

The Criminal Division has taken significant steps to integrate environmental accountability into its daily operations:

- The Division is continuing to work with building management to install occupancy sensors in all offices in the Bond building to save energy. New light fixtures have been installed to satisfy energy saving requirements. These fixtures provide lower wattage per square foot, with energy saving ballast and controls.
- The Division is continuing to work with building management to replace outdated/inefficient wall air conditioning units. The new units have state of the art electronic controls, increasing energy efficiency.
- The Division continues to take steps to improve the recycling and environmental awareness programs within the Division. The Division has a comprehensive recycling program that includes the distribution of individual recycling containers to every federal and contract employee, inclusion of recycling flyers in all new employee orientation packages, publication of energy and recycling articles in the Division's Security and Operations Support newsletter, and creation of a recycling section on the Division's intranet site. The Division is in ongoing discussions with two of its leased buildings to use "Single Stream" recycling that would enhance the Division's program by removing the requirement for tenants to separate recyclables.
- The Division is replacing old pantry refrigerators and microwave ovens to Energy Star rated units to decrease electricity consumption and utility costs.
- The Division is continuing to work with building management to install electronic dampeners in the building ventilation system that will allow greater control over air flow to specific areas and decrease energy usage and costs.



II. Summary of Program Changes

Item Name	Description			Page
	Pos.	FTE	Dollars (\$000)	
Not Applicable				

III. Appropriations Language and Analysis of Appropriations Language

No changes to appropriations language.

IV. Program Activity Justification

<i>Enforcing Federal Criminal Law</i>	<i>Direct Pos.</i>	<i>Estimate FTE</i>	<i>Amount (\$000)</i>
2016 Enacted	768	664	\$181,745
2017 Continuing Resolution	768	683	\$181,399
Adjustments to Base and Technical Adjustments	-88	-3	\$819
2018 Current Services	680	680	\$182,218
2018 Program Increases	0	0	\$0
2018 Program Offsets	0	0	\$0
2018 Request	680	680	\$182,218
Total Change 2017-2018	-88	-3	\$819

Enforcing Federal Criminal Law

Program Description

The Criminal Division's mission is to protect the American people from the most serious forms of criminal activity, including transnational criminal organizations, cybercrime, child exploitation, fraud, gangs, corruption, and money laundering. The Criminal Division's specialized prosecution units develop and enforce federal criminal laws that target complex, international, and multi-district crime. The Division responds to critical and emerging national and international criminal threats and leads a coordinated, nationwide response to reduce those threats. The Criminal Division is situated at headquarters to work in partnership with both domestic and international law enforcement. While U.S. Attorneys and state and local prosecutors serve a specific jurisdiction, the Criminal Division addresses the need for centralized coordination, prosecution, and oversight.

The Division complements the work of its foreign and domestic law enforcement partners by centrally housing subject matter experts in all areas of federal criminal law, as reflected by the 17 Sections and Offices that make up the Division's Decision Unit "Enforcing Federal Criminal Laws:"

Office of the Assistant Attorney General
Office of Administration

- Appellate Section
- Computer Crime and Intellectual Property Section
- Capital Case Section
- Child Exploitation and Obscenity Section
- Fraud Section
- Human Rights and Special Prosecutions Section
- International Criminal Investigative Training Assistance Program
- Money Laundering and Asset Recovery Section
- Narcotic and Dangerous Drug Section
- Organized Crime and Gang Section
- Office of Enforcement Operations
- Office of International Affairs
- Office of Overseas Prosecutorial Development, Assistance, and Training
- Office of Policy and Legislation
- Public Integrity Section

The concentration of formidable expertise, in a broad range of critical subject areas, strengthens and shapes the Department's efforts in bringing a broad perspective to areas of national and transnational criminal enforcement and prevention. To capture this range of expertise, the Division's Performance and Resource Table is organized into three functional categories: prosecutions and investigations; expert guidance and legal advice; and the review of critical law enforcement tools.

Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE										
Decision Unit: Enforcing Federal Criminal Law										
RESOURCES										
TYPE	Target		Actual		Projected		Changes		Requested (Total)	
	FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
Total Costs and FTE	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
PERFORMANCE		\$181,745	973	\$181,157	1,031	\$181,389	-3	\$819	1,028	\$182,218
Program Activity										
	516	\$90,873	466	\$92,381	526	\$92,514	-4	\$418	524	\$92,932
Workload	348		373		377					381
Workload	186		430		238					241
Workload	1,407		1,232		1,340					1,354
Workload	840		2,587		890					899
Workload	825		811		875					884
Workload	4,469		5,913		5,828					5,988
Workload	763		857		711					718
Workload	634		829		577					583
Workload	1,023		1,071		982					992

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Enforcing Federal Criminal Law		Target		Actual		Projected		Changes		Requested (Total)	
RESOURCES		FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
2. Expert Guidance and Legal Advice		381	\$67,246	376	\$70,651	402	\$70,746	-1	\$319	401	\$71,065
Workload	Number of Legislative and Policy Analysis matters Completed	5,285		7,700		6,181		31			6,222
Workload	Number of Programmatic Coordination Activities	11,318		12,481		13,483		88			13,531
Workload	Number of Legal Advisory Matters Completed	34,382		35,706		33,934		172			34,106
Workload	Number of Training Sessions/Presentations	4,544		5,366		1,355		7			1,362
Program Activity	3. Law Enforcement Tools	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Workload	Number of Mandatory Reviews Completed	134	\$23,626	97	\$18,115	103	\$18,139	0	\$52	103	\$18,221
Workload	Favorably Resolved Criminal Cases	18,512		24,942		21,459		218			21,687
Workload	Favorably Resolved Civil Cases	90%		80%		90%		90%			90%
Workload	Favorably Resolved Criminal Cases	80%		100%		80%		80%			80%

Data Definition, Validation, Verification, and Limitations: Prosecutions and Investigations. This program activity includes cases or investigatory matters in which the Criminal Division has sole or shared responsibility. The case breakout includes cases from the following Sections/Offices: Fraud Section, Public Integrity Section, Computer Crime and Intellectual Property Section, Child Exploitation and Obscenity Section, Organized Crime and Gang Section, Narcotics and Dangerous Drug Section, Money Laundering and Asset Recovery Section, Human Rights and Special Prosecutions Section, and Capital Case Section. Appeals; Appellate Section. Expert Guidance & Legal Advice. This program activity includes oral and written advice and training to federal, state, local and foreign law enforcement officials, coordination and support of investigations, prosecutions, and programs at the national, international and multi-district levels; and oral and written analysis of legislation and policy issues, development of legislative proposals, advice and briefing to Departmental and external policy makers, and participation in inter-agency policy coordination and discussions. Law Enforcement Tools. This program activity includes the work the Division does in specific areas of criminal law in reviewing and approving the use of law enforcement tools throughout the law enforcement community. Validation: In FY 2002, the Division initiated a multi-phased workload tracking improvement initiative. To date, improvements include definition and policy clarifications, uniform guidance and reporting, case tracking database improvements for end user benefit, and a regular data validation process to ensure system integrity.

PERFORMANCE MEASURE TABLE														
Decision Unit: Enforcing Federal Criminal Laws														
Performance Report and Performance Plan Targets	FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
OUTPUT Measure	5,875	6,493	6,304	6,834	6,304	6,834	5,640	6,191	7,700	6,222	6,191	6,222	6,191	6,222
OUTPUT Measure	5,226	11,892	11,428	11,504	11,428	11,504	11,468	13,463	12,447	13,531	13,463	13,531	13,463	13,531
OUTPUT Measure	39,726	42,886	39,620	38,062	39,620	38,062	34,482	33,934	36,521	34,106	33,934	34,106	33,934	34,106
OUTPUT Measure	3,845	5,133	3,628	4,637	3,628	4,637	4,655	1,355	6,365	1,362	1,355	1,362	1,355	1,362
OUTPUT Measure	19,090	26,977	21,477	26,713	21,477	26,713	18,467	21,469	24,926	21,687	21,469	21,687	21,469	21,687
OUTCOME Measure	93%	97%	98%	99%	98%	99%	90%	90%	96%	90%	90%	90%	90%	90%
OUTCOME Measure	N/A	100%	N/A	100%	N/A	100%	80%	80%	100%	80%	80%	80%	80%	80%

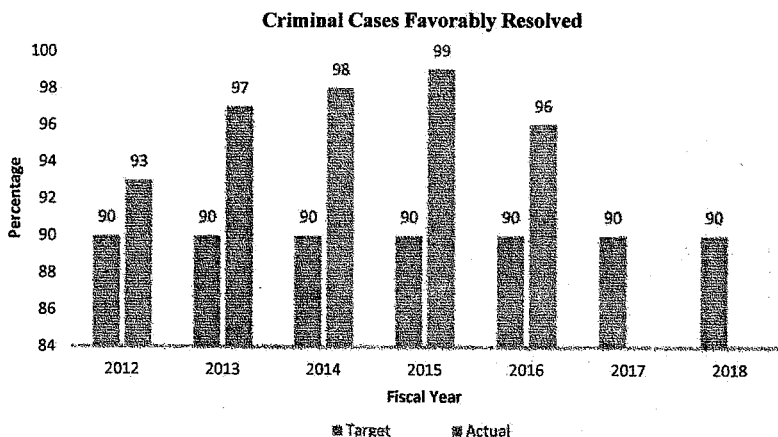


Performance, Resources, and Strategies

Performance Plan and Report for Outcomes

Outcome Measure

The Department's long-term outcome goal for its litigating divisions, including the Criminal Division, is the percentage of criminal and civil cases favorably resolved during the Fiscal Year. The goals are 90 percent (criminal) and 80 percent (civil). The Division has consistently met or exceeded the goals. In FY 2016, the Division met both outcome goals (96% criminal, 100% civil).



Prosecutions and Investigations Workload

The Division leads complex investigations and tries significant prosecutions. Many of these cases are of national significance, require international coordination, have precedent-setting implications, and involve the coordination of cross-jurisdictional investigations.

Other Critical Division Workload

In addition to investigating and prosecuting criminal cases, the Division plays a central role in the Department's mission by reviewing the use of critical law enforcement tools, including the approval of all requests for wiretapping under Title III. The Division secures the return of fugitives from abroad and obtains evidence from other countries integral to criminal prosecutions and investigations. The Division also provides expert guidance and legal advice on significant legislative proposals, analyzes Department-wide and government-wide law enforcement policy, conducts training for the field, and engages in programmatic coordination.



Strategies to Accomplish Outcomes

The Criminal Division's mission is to protect the American people from the most serious forms of criminal activity, including transnational criminal organizations, cybercrime, child exploitation, fraud, gangs, corruption, and money laundering. The Criminal Division's specialized prosecution units develop and enforce federal criminal laws that target complex, international, and multi-district crime. The Division responds to critical and emerging national and international criminal threats and leads a coordinated, nationwide response to reduce those threats. In fulfilling this mission, the Division plays a central role in assisting the Department in accomplishing its Strategic Goals and Objectives. The Division contributes to 10 of the Department's 18 strategic objectives. The performance measures and outcome measures, reported in the budget, measure performance in a combination of strategic objectives covering the entire breadth of the Division's work.

V. Program Increases by Item

Not applicable

VI. Program Offsets by Item

Not applicable

VII. Exhibits

B. Summary of Requirements
Summary of Requirements
 Criminal Division
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted ^{1/}	768	664	181,745
Total 2016 Enacted	768	664	181,745
2017 Continuing Resolution	768	683	181,745
2017 Rescission - 0.1901%	0	0	-346
Total 2017 Continuing Resolution	768	683	181,399
Base Adjustments			
Pay and Benefits	-88	-3	-4,891
Domestic Rent and Facilities	0	0	6,073
Other Adjustments	0	0	147
Foreign Expenses	0	0	-510
Total Base Adjustments	-88	-3	819
Total Technical and Base Adjustments	-88	-3	819
2018 Current Services	680	680	182,218
2018 Total Request	680	680	182,218
2017 - 2018 Total Change	-88	-3	819

^{1/} FY 2016 FTE is actual

B. Summary of Requirements

Summary of Requirements

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted			FY 2017 Continuing Resolution			FY 2018 Technical and Base Adjustments			FY 2018 Current Services		
	Position s	Actual FTE	Amount	Position s	Est. FTE	Amount	Position s	Est. FTE	Amount	Position s	Est. FTE	Amount
Enforcing Federal Criminal Laws	768	664	181,745	768	683	181,399	-88	-3	819	680	680	182,218
Total Direct	768	664	181,745	768	683	181,399	-88	-3	819	680	680	182,218
Balance Rescission			0			0			0			0
Total Direct with Rescission			181,745			181,399			819			182,218
Reimbursable FTE		309			348						348	
Total Direct and Reimb. FTE		973			1,031						1,028	
Other FTE:												
LEAP		0			0						0	
Overtime		0			0						0	
Grand Total, FTE		973			1,031						1,028	

Program Activity	2018 Increases			2018 Offsets			2018 Request		
	Position s	Est. FTE	Amount	Position s	Est. FTE	Amount	Position s	Est. FTE	Amount
Enforcing Federal Criminal Laws	0	0	0	0	0	0	680	680	182,218
Total Direct	0	0	0	0	0	0	680	680	182,218
Balance Rescission			0			0			0
Total Direct with Rescission			0			0			182,218
Reimbursable FTE		0			0				
Total Direct and Reimb. FTE		0			0				348
Other FTE:									1,028
LEAP		0			0				0
Overtime		0			0				0
Grand Total, FTE		0			0				1,028

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate	Amount
		FTE	
Pay and Benefits			
1 2018 Pay Raise - 1.9% This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount requested, \$1,544,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$1,204,320 for pay and \$339,680 for benefits.)	0	0	1,544
2 Annualization of 2017 Pay Raise - 2.88% This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88% included in the 2017 Appropriation. The amount requested \$842,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$656,760 for pay and \$185,240 for benefits).	0	0	842
3 Attrition and/or Administrative Savings To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	-40	-3	-7,768
4 Health Insurance Effective January 2018, the component's contribution to Federal employees' health insurance increases by 6.7 percent. Applied against the 2017 estimate of \$4,685,000, the additional amount required is \$316,000.	0	0	316
5 Position Rightsizing Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	-48	0	0
6 Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$175,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	175
Domestic Rent and Facilities			
1 GSA Rent	-88	-3	-4,891
Subtotal, Pay and Benefits			
	0	0	2,292

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate	Amount
		FTE	
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$2,292,000 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			
2 <u>Guard Service</u>	0	0	101
This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$101,000 is required to meet these commitments.			
3 <u>Moves</u>			
GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2018.	0	0	3,680
Other Adjustments	0	0	6,073
1 <u>Security Investigations</u>			
The \$147,000 increase reflects payments to the Office of Personnel Management for security reinvestigations for employees requiring security clearances.	0	0	147
Foreign Expenses	0	0	147
1 <u>Capital Security Cost Sharing</u>			
	0	0	-572

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate	Amount
<p>Per P.L. 108-447 and subsequent acts, all agencies with personnel overseas subject to chief of mission authority shall participate and provide funding in advance for their share of costs of providing new, safe, secure U.S. diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined by the Secretary of State. Originally authorized for FY 2000-2004, the program has been extended annually by OMB and Congress and has also been expanded beyond new embassy construction to include maintenance and renovation costs of the new facilities. For the purpose of this program, State's personnel totals for DOJ include current and projected staffing. The estimated cost to the Department, as provided by State, for FY 2018 is \$145 million. The Criminal Division currently has 11 positions overseas, and savings of \$572,000 are expected for this account.</p>		FTE	
<p>2 <u>ICASS</u></p>	0	0	58
<p>The Department of State charges agencies for administrative support provided to staff based overseas. Charges are determined by a cost distribution system. The FY 2018 request is based on the projected FY 2017 bill for post invoices and other ICASS costs.</p>			
<p>3 <u>State Department Passport Costs</u></p> <p>Effective on October 1, 2016, DOS will begin charging \$110 per passport application to federal agencies for diplomatic, official, and no-fee regular passports provided to employees, contractors, and other individuals traveling abroad to carry out official duties of other federal agencies. \$4,000 reflects the one-time increase to support this new charge.</p>	0	0	4
<p style="text-align: right;">Subtotal, Foreign Expenses</p> <p>TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS</p>	-88	0	-510
			819

Crosswalk of 2016 Availability

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted		Reprogramming/Transfers		Carryover Amount	Recoveries/Refunds Amount	FY 2016 Availability			
	Position s	Actual FTE	Position s	Actual FTE			Position s	Actual FTE	Amount	
Enforcing Federal Criminal Laws	768	664	181,745	0	750	13,463	46	768	664	196,004
Total Direct	768	664	181,746	0	750	13,463	46	768	664	196,004
Balance Rescission			0		0	0				0
Total Direct with Rescission			181,745		750	13,463	46			196,004
Reimbursable FTE		309								
Total Direct and Reimb. FTE		973								309
Other FTE:										973
LEAP FTE		0								0
Overtime		0								0
Grand Total, FTE		973								973

Reprogramming/Transfers:

Funding of \$750,000 was reallocated from GLA's ALS account to the Criminal Division. The 64 positions and 38 FTE related to MLAT are not included in GLA enacted totals in MAX.

Carryover:

Funds carried over into FY 2016 from GLA's FY 2015 no-year account.

Recoveries/Refunds:

Direct recoveries from GLA's no-year accounts total \$46,000.

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution			Reprogramming/Transfers			Carryover		Recoveries/Refunds		FY 2017 Availability	
	Position \$	Est. FTE	Amount	Position \$	Est. FTE	Amount	Amount	Amount	Position \$	Est. FTE	Amount	
Enforcing Federal Criminal Laws	768	663	181,399	0	0	0	6,621	0	768	663	188,020	
Total Direct	768	663	181,399	0	0	0	6,621	0	768	663	188,020	
Balance Rescission			0				0	0			0	
Total Direct with Rescission			181,399				6,621	0			188,020	
Reimbursable FTE		348			0					348		
Total Direct and Reimb. FTE		1,031			0					1,031		
Other FTE:												
LEAP FTE		0			0					0		
Overtime		0			0					0		
Grand Total, FTE		1,031			0					1,031		

Reprogramming/Transfers:

The 64 positions and 38 FTE related to MLAT are not included in GLA enacted totals in MAX.

Carryover:

Funds were carried over into FY 2017 from GLA's 2016 no-year account.

Summary of Reimbursable Resources

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
All Other Sources	43	34	43,001	43	43	40,447	43	43	37,773	0	0	-2,674
Asset Forfeiture Fund	107	84	57,787	115	100	62,150	115	100	62,150	0	0	0
Department of Health and Human Services	65	48	19,573	65	65	20,004	65	65	21,400	0	0	1,396
Department of State	184	130	143,214	176	127	170,000	176	127	214,000	0	0	44,000
Interagency Crime and Drug Enforcement	13	13	2,045	13	13	2,041	13	13	2,077	0	0	36
Budgetary Resources	412	309	265,600	412	348	294,642	412	348	337,400	0	0	42,758

Obligations by Program Activity	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Enforcing Federal Criminal Laws	412	309	265,600	412	348	294,642	412	348	337,400	0	0	42,758
Budgetary Resources	412	309	265,600	412	348	294,642	412	348	337,400	0	0	42,758

Detail of Permanent Positions by Category

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

I. Detail of Permanent Positions by Category

Category	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Miscellaneous Operations (001-0399)	1	0	1	0	0	0	0	1	0
Security Specialists (080)	11	0	7	0	-1	0	0	6	0
Social Science, Psychology, Welfare (0100-0199)	0	0	9	0	-2	0	0	7	0
Intelligence Series (132)	1	0	0	0	0	0	0	0	0
Personnel Management (0200-0260)	19	0	26	78	-5	0	0	21	78
Clerical and Office Services (0300-0399)	147	78	154	36	-29	0	0	125	36
Accounting and Budget (500-599)	10	36	11	25	-2	0	0	9	25
Paralegals / Other Law (900-998)	10	25	15	0	-3	0	0	12	0
Attorneys (905)	448	267	448	267	-27	0	0	421	267
Paralegal Specialist (0950)	84	0	50	1	-11	0	0	39	1
Information & Arts (1000-1099)	1	1	2	0	0	0	0	2	1
Business & Industry (1100-1199)	2	1	5	1	-1	0	0	4	1
Physical Sciences (1300-1399)	0	0	0	0	0	0	0	0	0
Library (1400-1499)	4	0	0	0	0	0	0	0	0
Equipment/Facilities Services (1600-1699)	2	0	2	1	0	0	0	2	1
Education (1700-1799)	0	0	0	0	0	0	0	0	0
Investigation (1800-1899)	0	0	1	1	0	0	0	1	0
Inspection, Investigation, Enforcement Analyst(1901)	6	0	17	1	-3	0	0	14	1
Transportation (2100-2199)	0	1	0	1	0	0	0	0	1
Information Technology Mgmt (2210-2299)	22	1	19	0	-4	0	0	15	0
Bankruptcy Analyst	0	0	1	0	0	0	0	1	0
Total	768	412	768	412	-88	0	0	680	412
Headquarters Washington D.C.	754	215	754	215	-88	0	0	666	215
US Fields	0	0	0	0	0	0	0	0	0
Foreign Field	14	197	14	197	0	0	0	14	197
Total	768	412	768	412	-88	0	0	680	412

K. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Criminal Division
Salaries and Expenses
(Dollars in Thousands)

Object Class	FY 2018 Actual		FY 2017 Continuing		FY 2018 Request		Increase/Decrease		
	Act. FTE	Amount	Resolution		Direct FTE	Amount			
			Direct FTE	Amount					
11.1 - Full-time permanent	664	73,293	683	75,613	680	68,398	-3	-7,214	
11.3 - Other than full-time permanent	0	8,809	0	8,038	0	7,017	0	-1,021	
11.5 - Other personnel compensation	0	1,418	0	1,904	0	1,662	0	-242	
Overtime	0	0	0	0	0	0	0	0	
Other Compensation	0	0	0	0	0	0	0	0	
11.8 - Special personal services payments	0	917	0	3,493	0	3,493	0	0	
Total	664	84,437	683	89,047	680	80,571	-3	-8,476	
Other Object Classes									
12.1 - Civilian personnel benefits		25,767		24,325		21,726		0	-2,597
13.0 - Benefits for former personnel		20		50		50		0	0
21.0 - Travel and transportation of persons		4,653		4,991		4,990		0	-1
22.0 - Transportation of things		727		848		848		0	0
23.1 - Rental payments to GSA		26,062		26,450		26,742		0	2,292
23.2 - Rental payments to others		1,585		1,996		1,996		0	0
23.3 - Communications, utilities, and miscellaneous charges		3,754		4,392		4,392		0	0
24.0 - Printing and reproduction		85		150		150		0	0
25.1 - Advisory and assistance services		12,173		8,484		8,484		0	0
25.2 - Other services from non-federal sources		15,394		17,407		20,648		0	3,241
25.3 - Other goods and services from federal sources		9,769		5,989		5,727		0	-262
25.6 - Medical care		89		100		100		0	0
25.7 - Operation and maintenance of equipment		189		299		299		0	0
26.0 - Supplies and materials		771		998		998		0	0
31.0 - Equipment		3,290		2,495		2,495		0	0
Total Obligations		188,795		188,020		182,218		0	-6,802
Net of:									
Unobligated Balance, Start-of-Year		-13,463		-6,621		0		0	6,621
Transfers/Reprogramming		-750		0		0		0	0
Recoveries/Refunds		-46		0		0		0	0
Balance Rescission		0		0		0		0	0
Unobligated End-of-Year, Available		6,621		0		0		0	0
Unobligated End-of-Year, Expiring		588		0		0		0	0
Total Direct Requirements		181,745		181,399		182,218		0	819
Reimbursable FTE									
Full-Time Permanent	309		348		348		0	0	

Footnote: Direct FTE and obligations here do not include Health Care Fraud Resources.



***U.S. Department
of Justice***

Civil Division

**FY 2018 Budget
and Performance Plans**

Submitted to the Congress of the United States
May 2017

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Overview of the Civil Division

The Civil Division is the largest litigating component of the U.S. Department of Justice. Each year, the Civil Division represents the United States, its departments and agencies, Members of Congress, Cabinet Officers, and other federal employees in tens of thousands of unique matters. In total, the Civil Division litigates matters on behalf of over 100 different federal agencies. This litigation encompasses an array of the Federal Government's legal interests ranging from contract disputes, efforts to combat fraud and the abuse of federal funds, benefits programs, multi-million dollar tort claims, alleged takings of property, intellectual property disputes, challenges to immigration policies and decisions, defending constitutional and other challenges to Congressional enactments, and defending national security prerogatives and decisions.

Beyond traditional litigation, the Civil Division helps administer three compensation programs: the Vaccine Injury Compensation Program, the Radiation Exposure Compensation Program, and the September 11th Victim Compensation Program.

The Civil Division's work safeguards taxpayer dollars, preserves the intent of Congress, ensures the Federal Government speaks with one voice in its view of the law, handles cases that are so massive and span so many years that they would overwhelm the resources and infrastructure of any individual field office, and protects the safety and security of the American people. Due to an increasing immigration workload and immediate staffing needs, this request includes a program increase for immigration litigation.

The diversity of this subject matter is impressive, as are the results of this litigation. In FY 2016, the Civil Division:

- **Secured** over \$6.9 billion in settlements, judgments, fines, and restitution.
- **Defeated** tens of billions of dollars in cases that were closed.
- **Defeated** all or nearly all of the opposing party's claims in 91 percent of defensive cases.
- **Defended** cases in which opposing parties sought tens of billions of dollars from the United States.
- **Defeated** thousands of challenges to laws, regulations, policies, and administrative decisions.

Full Program Costs

This FY 2018 Civil Division Budget Request provides for 1,140 authorized positions, including 833 attorneys, and totals \$291.75 million. Finally, electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

The Civil Division Protects the U.S. Treasury

Year after year, the Civil Division, working with U.S. Attorneys, recovers billions of dollars for the U.S. Treasury. Such revenue-generating cases involve health care fraud, financial fraud, procurement fraud, bankruptcies, the underpayment of customs duties, civil penalties, and oil spills. The largest recoveries typically occur under the False Claims Act; the Federal Food, Drug, and Cosmetic Act; or the Financial Institutions Reform, Recovery, and Enforcement Act. In FY 2016, Civil, working with U.S. Attorneys, secured over \$6.9 billion in settlements, judgments, fines, and restitution in affirmative, monetary matters.

At the same time, the Civil Division defends federal agencies in cases where other parties file monetary claims against the Federal Government. The largest cases, in terms of dollars at issue, typically relate to contract disputes, defending procurement decisions, patent claims, a variety of accident and liability claims, and constitutional takings claims. The Civil Division's representation ensures that unmeritorious claims are not paid. The Federal Government's potential exposure in these cases is tens of billions of dollars each year. In FY 2016, the Civil Division defeated tens of billions of dollars in cases that were closed.

The Civil Division Defends the U.S. Government's Interests

The Civil Division's litigation extends beyond monetary claims. Civil also protects the integrity of federal laws, regulations, policies, and programs. This litigation reflects the diversity of the Federal Government's activities and involves challenges to statutes passed by Congress, domestic and foreign operations, denaturalizing dangerous criminals, national security and homeland security policies, protecting against the disclosure of sensitive information, and employment discrimination litigation filed against federal agencies.

The Civil Division Protects the Safety and Security of the American People

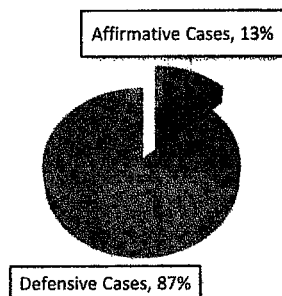
The Civil Division's litigation directly benefits the American people by protecting their safety and security. In immigration work, the Civil Division seeks to remove and/or denaturalize criminal offenders and others who have violated immigration laws. The Elder Justice Initiative supports state and local efforts to prevent and combat elder abuse, neglect, and financial exploitation of older Americans. Consumer protection cases prosecute mass marketing frauds such as lottery and sweepstakes scams. Health care fraud litigation deters health care providers from billing federal health care programs for medically unnecessary services that endanger patients' health and safety. Procurement fraud matters ensure that government resources allocated to national defense and security are not misused and that our military personnel are not put at risk by faulty or defective equipment. Consumer fraud litigation pursues cases against those who market unsafe or fraudulent products and services such as tainted dietary supplements or contaminated food. Finally, customs fraud enforcement matters protect both the security of the nation's borders and American workers by seeking damages and penalties from importers who violate international trade laws.

Internal and External Challenges

The most significant challenges facing the Civil Division are described below.

Defensive Cases Allow Civil Little Control Over its Workload

The Civil Division's greatest continuing challenge is the fact that in 87% of its caseload it defends the United States from claims filed against it. Opposing parties file contractual, accident liability, and constitutional challenges, and many other lawsuits against the United States in domestic and foreign courts. Opponents decide the time, nature, and location of the claim. Once litigation commences, the Federal Government must respond to the suit, lest it face default judgments or sanctions. Regardless of its budget, other pressing priorities, or its ability to absorb additional work, Civil must vigorously represent the Federal Government in these matters.



Relatedly, the underlying events that give rise to litigation are typically beyond the Civil Division's control, unpredictable, or even unknowable. Incidents such as contractual disputes between an agency and its vendor, bankruptcy filings, natural disasters such as hurricanes, and other catastrophic events such as oil spills can lead to litigation. In any such matter, the Civil Division will represent the interests of the United States, but Civil cannot forecast when or where this litigation will occur.

Complex Data in Litigation Requires Automated Litigation Support

An ongoing challenge, and one that will indefinitely continue into the future, is the increasingly complexity of data in investigations and litigation. In many cases, voluminous quantities of emails, internal corporate documents, text messages, and voicemails will be exchanged between parties. To give some sense of the size of the data at issue, in FY 2016, the Civil Division's Automated Litigation Support (ALS) program housed 1,126.4 terabytes of data. If printed, a single terabyte of data equates to 75 million pages of paper. It is estimated that 1,126.4 terabytes of data, if printed and boxed, would be of sufficient volume to fill – from the floor to the ceiling – the Capitol Rotunda 15 times.

Not surprisingly, ALS services are critical to acquiring, screening, organizing, and analyzing documents and data. Civil uses ALS tools and contractors to organize and control document collection and data, respond to requests for documents, develop institutional memory, and provide access to case material at any time, from anywhere. To achieve this, innovative technology is used to analyze data. Many cases could not be properly investigated or litigated without these services. While these services are not inexpensive, the cost would be exponentially greater to hire attorneys and paralegals to manually review and analyze this data.

Environmental Accountability

Civil is actively working toward meeting all Administration and Department of Justice guidelines for improving environmental and energy performance. Civil is moving toward full compliance with efforts to achieve reductions in greenhouse gas emissions, acquiring green products and services, and establishing cost-effective waste prevention and recycling programs. Examples of Civil's environmentally sound practices include: significantly increasing teleconferencing capabilities throughout its office space to reduce travel costs, utilizing UNICOR's e-recycling program for excess and obsolete computer equipment, installing motion detector lighting systems, using LED "green" lighting, and significantly reducing the overtime use of heating and air conditioning. For several years, Civil has served as a leader within the Department in the area of energy savings achieved through virtualization technology. Through successful server and desktop virtualization efforts, Civil eliminates nearly 4 million pounds of CO2 each year which is the equivalent of removing over 325 cars from the road or planting nearly 6,000 trees annually. At the same time, Civil continues to execute plans to consolidate office space leases which will result in the Division occupying 20 percent less office space. By January 2018, nearly half of Civil's employees will be housed in office space that meets GSA LEED standards and is in close proximity to Metro, VRE, and MARC transit options.

Summary of Program Changes

Item Name	Description				Pg.
		Pos	FTE	Dollars (\$000)	
Immigration Litigation	20 positions to handle a growing caseload	20	10	\$1,876	26

Appropriations Language and Analysis

The FY 2018 Budget Request does not include proposed changes in the Legal Activities, Salaries and Expenses, General Legal Activities appropriations language.

Program Activity Justification: Legal Representation

Program Description: Legal Representation

Legal Representation	Direct Pos.	Estimate FTE	Amount (\$ in thousands)
2016 Enacted	1,325	1,194	\$292,214
2017 Continuing Resolution	1,325	1,189	\$291,658
Adjustments to Base and Technical Adjustments	-205	-69	-\$1,784
2018 Current Services	1,120	1,120	\$289,874
2018 Program Increases	20	10	\$1,876
2018 Request	1,140	1,130	\$291,750
Total Change 2017-2018	-185	-59	\$92

The Civil Division represents the United States in any civil or criminal matter within its scope of responsibility. The Civil Division is composed of six litigating branches (several of which have multiple sections) as well as an administrative office, the Office of Management Programs. The six litigating branches and their sections are listed below.

Appellate Staff

Commercial Litigation Branch

- Corporate and Financial Litigation Section
- Office of Foreign Litigation
- Fraud Section
- Intellectual Property Section
- National Courts Section

Consumer Protection Branch

Federal Programs Branch

Office of Immigration Litigation

- Appellate Section
- District Court Section

Torts Branch

- Aviation and Admiralty Section
- Constitutional and Specialized Tort Litigation Section
- Environmental Tort Litigation Section
- Federal Tort Claims Act Litigation Section

Appellate Staff

The Civil Division's Appellate Staff represents the interests of the United States in federal circuit courts of appeals and, occasionally, in state appellate courts. Appellate's cases involve complex, sensitive, and novel legal questions that set far-reaching precedents. The Appellate Staff also defends against constitutional challenges to statutes passed by Congress as well as Executive Branch decisions when these matters are litigated in appellate courts. A notable amount of Appellate's caseload involves representing national security policies in federal appellate courts, such as Guantanamo Bay detainees challenging the lawfulness of their detentions, actions challenging counterterrorism surveillance and investigations, and challenges to terrorist financing and travel.

Appellate's monetary cases involve billions of dollars with outcomes that determine how the law or policy in question will affect millions of Americans.

Commercial Litigation Branch

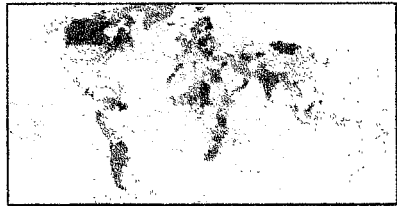
The Civil Division's Commercial Litigation Branch has five sections: (1) Corporate and Financial Litigation, (2) Foreign Litigation, (3) Fraud Section, (4) Intellectual Property, and (5) National Courts.

Corporate and Financial Litigation Section

The Corporate and Financial Litigation Section handles unique nation-wide matters involving money and property, and represents the Federal Government's interests in complex bankruptcy cases and other contractual and monetary disputes. The Section's cases, which are both affirmative and defensive and litigated in courts throughout the country, involve many different industries, including health care providers, communications companies, energy producers and suppliers, and commercial airlines.

Office of Foreign Litigation

The Office of Foreign Litigation ensures that U.S. policies, programs, and activities are protected when challenged in foreign courts. In addition, the Office manages litigation in the courts of foreign nations so that people and entities cannot avoid paying money owed to the U.S. Treasury by absconding to a foreign country.



This Office handles all types of cases in courts of foreign countries – whether civil, criminal, affirmative, or defensive. At any given time, the Office handles approximately 1,000 civil and criminal matters in over 100 different countries. While Office attorneys do not practice law in foreign countries, the Office works closely with local attorneys in foreign countries to represent the United States. The office also provides advice and counsel on issues relating to international law both within the Department and to agency partners, including the Department of State.

Fraud Section

The Fraud Section, working with U.S. Attorneys across the country, recovers billions of dollars annually by investigating and litigating matters involving fraud against the Federal Government. This Section handles fraudulent activity arising from federal health care programs, financial institutions, loan programs, defense and other agency contracting, federal grant programs, customs duties, and royalties from oil and gas leases. Much of the Fraud Section's litigation is pursued under the False Claims Act.

The False Claims Act whistleblower (or "qui tam") provision allows individuals to file lawsuits alleging false claims on behalf of the government. If the government prevails, the whistleblower may receive up to 30 percent of the recovery. In FY 2016, 702 qui tam suits were filed, and the Department recovered \$2.9 billion in these and earlier filed suits.

In FY 2016, the Department secured over \$4.7 billion in settlements and judgments from False Claims Act cases. This represents the third highest annual recovery in the history of the False Claims Act. Since 1986, when the False Claims Act was significantly amended by Congress, total recoveries in False Claims Act matters have exceeded \$53 billion.

Intellectual Property Section

The Intellectual Property Section represents the United States in all intellectual property matters where a patent, copyright, or trademark is at issue. Many of the cases this Section handles involve complex technologies, such as pharmaceutical compositions and highly sophisticated electronic devices. To meet the challenges presented by these cases, all attorneys assigned to the Section have a degree in one of the physical sciences or in an engineering field. Many of the Section's attorneys are U.S. Patent and Trademark bar members.

National Courts Section

The mission of the National Courts Section is to protect taxpayer dollars in lawsuits brought against the Federal Government. It is one of the of the largest and oldest litigating sections in the Department, and handles matters in three federal courts of nation-wide jurisdiction: the U.S. Court of Appeals for the Federal Circuit, the U.S. Court of Federal Claims, and the U.S. Court of International Trade. Some of the Section's areas of focus include government contract matters, constitutional and pay claims against the Federal Government, personnel benefits appeals, and international trade cases. National Courts cases often last for several years, if not decades, and involve large sums of money.

Consumer Protection Branch

The Civil Division's Consumer Protection Branch protects the health, safety, and economic security of American consumers through criminal prosecutions and civil enforcement actions under national consumer protection statutes. Its workload involves pharmaceuticals and medical devices, deceptive trade practices and telemarketing fraud, adulterated food and dietary supplements, consumer product safety, odometer fraud, and tobacco products. In addition, the Branch defends the Federal Government against challenges to consumer protection programs and policies. The Branch is unique within Civil because it has both criminal and civil jurisdiction.

The Consumer Protection Branch has seen great success over the past several years and has obtained recoveries of hundreds of millions of dollars in criminal fines, forfeitures and disgorgement under the Federal Food, Drug and Cosmetic Act. In addition to recoveries under the Federal Food, Drug and Cosmetic Act, the Consumer Protection Branch handles a significant portion of financial fraud work. That financial fraud work has, itself, secured hundreds of millions of dollars in civil fines.

Federal Programs Branch

The Federal Programs Branch defends federal programs, policies, laws, and regulations on behalf of federal agencies, the President, and Cabinet officers, including challenges to the constitutionality of Executive Branch actions as well as statutory law enacted by Congress. Federal Programs is involved in matters representing approximately 100 federal agencies. Many of its cases involve complex questions of constitutional law, including the scope of the powers of Congress, the President, and the federal courts, as well as limitations imposed by the Constitution. The Branch defends against challenges to the lawfulness of key government decisions in suits seeking to overturn important federal policies and programs. In a significant number of matters, Federal Programs defends critical national security policies, decisions, and information.

Office of Immigration Litigation

The Office of Immigration Litigation is organized into two sections – the District Court Section and the Appellate Section. Office of Immigration Litigation attorneys vigorously defend Executive Branch decisions regarding border security and pursue consistent enforcement of the country's immigration laws.

District Court Section

The Office of Immigration Litigation's District Court Section is a highly active litigation section. It represents a number of agencies at the trial level in immigration cases arising in the 94 federal district courts nationwide and has primary responsibility for handling appeals arising from immigration-related cases in the district courts. Agencies represented include: the Department of Homeland Security and the Department of Health and Human Services in cases involving a wide range of complex immigration matters; the Department of State in cases involving passports and visas; the Department of Labor in employment-related visas and foreign worker programs; and the Federal Bureau of Investigation on national security matters, including denaturalization and other actions involving individuals with established terrorism ties. The office also

provides advice and counsel on issues relating to immigration-related national security and labor matters within the Department of State and Homeland Security. The District Court Section coordinates litigation strategy on these cases with the various United States Attorneys throughout the United States.

While the District Court Section does affirmatively file and prosecute an ever increasing number of denaturalization cases, the overwhelming majority of the Section's cases are defensive. The most complex and time-consuming cases this Section handles are class action cases, which have increased dramatically in recent years. The attorneys in the Section currently handle 51 class action cases challenging critical policies and programs relating to the Federal Government's interpretation, administration, and enforcement of immigration law. Also, this Section's litigation routinely involves national security cases. The District Court Section defended numerous cases brought by known or suspected terrorists and convicted criminals attempting to acquire immigration benefits, thwart removal, or avoid mandatory detention pending removal, including naturalization claims of members of Hamas, Al-Qaeda, and Al-Shabab.

Appellate Section

The Office of Immigration Litigation's Appellate Section defends the U.S. in immigration litigation before the federal appellate courts. Appellate attorneys handle removal cases in the Courts of Appeals and support the Office of the Solicitor General's immigration litigation efforts in the U.S. Supreme Court. These cases comprise challenges related to whether an individual is subject to removal from the U.S. or is eligible for some form of benefit, relief, or protection that would allow him or her to remain in the United States. In total, the workload of the Office of Immigration Litigation's Appellate Section is approximately 10% of all the appellate litigation in the federal circuit courts.

The caseload is almost entirely defensive and is directly tied to the enforcement efforts of the Department of Homeland Security and the resulting removal adjudications by the Department of Justice's Executive Office for Immigration Review ("EOIR"). As EOIR handles more cases and issues more decisions, the Office of Immigration Litigation's Appellate Section will handle more immigration appeals in federal appeals courts. Given the defensive nature of the Appellate Section's litigation, Civil attorneys must respond to each challenge or risk immigration enforcement actions being negated.

In addition, the Appellate Section also provides advice and counsel to U.S. Attorneys' offices prosecuting criminal immigration issues that overlap with the Office's civil litigation. This Section provides support and counsel to all federal agencies involved in the admission, regulation, and removal of aliens under U.S. immigration and nationality statutes, as well as related areas of border enforcement and national security.

Torts Branch

The Torts Branch is comprised of four litigating sections:

- Aviation and Admiralty Section,
- Constitutional and Specialized Tort Litigation Section,
- Environmental Tort Litigation Section, and
- Federal Tort Claims Act Litigation Section

This Branch also is home to tort reform programs, including the Vaccine Injury Compensation Program and the Radiation Exposure Compensation Act Program. The majority of the Torts Branch's workload involves defensive matters in which other parties have sued the Federal Government.

Aviation and Admiralty Section

The Aviation and Admiralty Litigation Section handles matters surrounding aviation and maritime accidents. The **Aviation** caseload is comprised of litigation related to activities such as air commerce regulation, air traffic control, aviation security, provision of weather services, and aeronautical charting, and the aviation activities of the military services and other federal agencies. When aircraft accidents occur, the Aviation and Admiralty Litigation Section handles litigation involving the Federal Aviation Administration's air traffic control, weather dissemination services, and its certification of airports, aircraft, and air personnel. The **Admiralty** caseload involves the Federal Government's role as ship-owner, regulator, and protector of the nation's waterways. Cases relate to collisions involving government vessels, disputes over navigational markings, and challenges to the boarding of vessels on the high seas during national security activities. Affirmative admiralty actions seek compensation for the loss of government cargo and the costs associated with maritime pollution cleanups.

The Aviation and Admiralty Section has worked in tandem with the Department's Environment and Natural Resources Division and Criminal Division in representing the Federal Government in litigation arising from the explosion on the drilling rig Deepwater Horizon and the resulting oil spill in the Gulf of Mexico in 2010. The Department announced a settlement with BP of more than \$20 billion in October 2015.



Constitutional and Specialized Tort Litigation Section

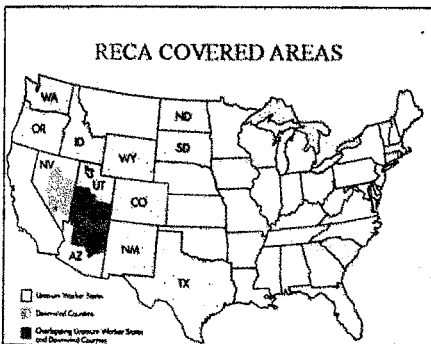
The Constitutional and Specialized Tort Litigation Section consists of three groups: the Constitutional Torts Staff, the Office of Vaccine Litigation, and the Radiation Exposure Compensation Act Program. The Constitutional Torts Staff provides legal representation to federal employees in cases filed against them for actions performed as part of their official duties. The Staff focuses on cases with critical and sensitive Executive Branch functions, cutting-edge questions of law affecting the federal workforce, and difficult personal liability cases. Many cases encompass national security or law enforcement activity.

The **Office of Vaccine Litigation** was established to represent HHS in cases arising under the National Childhood Vaccine Injury Act of 1986, which created a unique mechanism for adjudicating claims of injury resulting from immunizations. Claimants are represented by private counsel, and cases are filed in the U.S. Court of Federal Claims and adjudicated by the Office of Special Masters. The Program is designed to encourage the manufacture of vaccines by limiting the litigation risk to vaccine manufacturers. As a streamlined “no-fault” system, petitioners must establish causation but need not prove that a vaccine was defective, or that there was any degree of negligence in its administration. As a result of the Program, costly litigation has virtually ceased against drug manufacturers and health care professionals.

The Program’s administrative costs are funded out of an annual reimbursement from the Vaccine Injury Compensation Trust Fund, which itself is funded by an excise tax on vaccines. Compensation awards are paid from the Trust Fund as well. The Program has awarded more than \$3.3 billion to over 5,200 claimants who almost certainly would not have received compensation through traditional tort litigation.

There has been a steady increase in vaccine cases filed in recent years, as the Program has expanded to cover additional vaccines and injuries. In FY 2009, 400 new vaccine cases were filed. In FY 2016, a total of 1,120 new cases were filed – which is a massive increase. At this time, this trend is expected to continue with approximately 1,400 new cases expected in FY 2017.

The **Radiation Exposure Compensation Program** is an administrative law



system created by the Radiation Exposure Compensation Act. The Act provides set awards for individuals who developed specified illnesses following the government’s failure to warn of possible radiation exposure resulting from atmospheric nuclear weapons tests, or from employment in certain uranium production industry occupations during the build-up to the Cold War. Since its passage in 1990, the Act has compensated nearly \$2.2 billion in connection with over 33,000 approved claims for eligible individuals or their surviving beneficiaries.

Environmental Tort Litigation Section

The Environmental Tort Litigation Section defends the U.S. in high-stakes and complex environmental tort litigation involving alleged exposure to toxic substances in the environment, the workplace, and government-owned housing. These cases often cover complex scientific and medical issues requiring the presentation of expert testimony. In total, the Environmental Tort Litigation Section has saved the Federal Government billions of dollars.

Past litigation efforts include cases involving thousands of property damage and personal injury claims allegedly due to environmental contaminants (e.g., chemicals, heavy metals, biological agents). Many of the cases are litigated as mass torts or multidistrict litigations. Recent cases have related to: Legionella bacteria at a Veterans Administration hospital facility; the fall 2001 anthrax attacks; government activities at "Ground Zero" following the World Trade Center attacks; alleged heavy metal exposures from computer recycling at a federal correctional institution; contamination from a U.S. Army chemical warfare research facility during World War I; thousands of personal injury and property damage claims allegedly caused by the military exercises occurring over a thirty-year period on the island of Vieques, Puerto Rico; hundreds of property damage claims allegedly caused by the Department of Interior's use of herbicides to prevent wildfires on federal land; thousands of alleged personal injury claims due to contaminated drinking water from Camp Lejeune; and consolidated lawsuits involving nearly 100,000 individual administrative claims seeking well in excess of \$100 billion for alleged personal injuries from exposure to formaldehyde in emergency housing units provided by FEMA in response to Hurricanes Katrina and Rita in 2005.

Federal Tort Claims Act Litigation Section

The Federal Tort Claims Act ("FTCA") Section litigates complex and controversial cases under the Federal Tort Claims Act, a statute Congress first passed in 1946 to provide damages for certain injuries and property damage federal employees caused. Today, FTCA litigation typically arises from medical care, regulatory activities, law enforcement, and maintenance of federal lands.

The FTCA Section has also defended the United States in suits brought by individuals who were detained on immigration charges following the September 11, 2001 terrorist attacks. In addition, the FTCA Section makes appeal recommendations on all adverse judgments entered in FTCA cases. It also provides comments on FTCA-related congressional legislation that may have an impact on taxpayer liability. Further, the FTCA Section is responsible for the administrative adjustment of tort claims arising out of DOJ activities.

Office of Management Programs

The Office of Management Programs supports the Civil Division's attorneys in all aspects of their work. Whether helping an employee prepare a presentation for trial, maintaining and updating discovery software, selecting a life insurance plan, or developing Civil's annual budget, Management Programs staff of analysts, accountants, and information technology specialists provides the technological, analytical, and litigation tools necessary for Civil's attorneys to compete against the best law firms in the world.

September 11th Victim Compensation Fund Program

Program Overview and Reauthorization. The September 11th Victim Compensation Fund ("VCF") was created by Public Law No. 107-42, as amended by Public Law No. 107-71, to provide compensation for any individual (or a personal representative of a deceased individual) who suffered physical harm or was killed as a result of the terrorist-related aircraft crashes of September 11, 2001, or the debris removal efforts that took place in the immediate aftermath of those crashes. The original VCF ("VCF1") operated from 2001-2004 under the direction of Special Master Kenneth Feinberg, and distributed over \$7 billion. VCF1 concluded operations in June 2004.

On January 2, 2011, the James Zadroga 9/11 Health and Compensation Act of 2010 ("Zadroga Act"), Public Law No. 111-347, was signed into law. Title II of the Zadroga Act reactivated the September 11th Victim Compensation Fund ("VCF2"), expanded its pool of eligible claimants, and appropriated \$2.775 billion for additional payments. VCF2 opened in October 2011 and was originally authorized to accept claims for a period of five years, ending in October 2016, with a final year for processing and paying claims until October 2017.

On December 18, 2015, the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act ("Reauthorization Act"), Public Law No. 114-113, was signed into law. The new act extended VCF2 for an additional five years, allowing individuals to submit claims until December 18, 2020, and appropriated an additional \$4.6 billion to pay claims.

Also, the Reauthorization Act created two groups of claims – Group A and Group B. Group A claims are those where the claimant received a letter dated on or before December 17, 2015, notifying him or her of the award decision on the claim. Group B claims are those not in Group A. As directed in the Reauthorization Act, the VCF's top priority after reauthorization was the payment in full of all Group A claims, many of which had previously received only partial payments. That task has been accomplished. For Group B claims, the Department of the Treasury began processing payments on October 3, 2016, as soon as funding became available. Moreover, as required by the Reauthorization Act, once payment on all Group A claims was completed, the remainder of the Group A funds was transferred to the Group B account so that they are available to pay Group B claims.

Regulations governing the VCF's review of claims are published at 28 C.F.R. part 104. The VCF also maintains a website, www.vcf.gov, which provides information to the public concerning the operation of the Fund and instructions to potential claimants regarding application procedures, including a substantial Policies and Procedures document (available at <https://www.vcf.gov/pdf/VCFPolicy.pdf>) that includes information on eligibility criteria, the methodology used to calculate economic and non-economic loss, payment procedures, appeals and hearings, claims for deceased individuals, and information for claimants who are represented by an attorney.

Funding and Operations. The VCF is not funded through the Civil Division's appropriations. Rather, Congress originally appropriated a total of \$2.775 billion and, in the reauthorization, appropriated an additional \$4.6 billion. This funding is to be used for award payments as well as administrative expenses. As of December 2016, award determinations have been issued on over 11,000 claims at a value of over \$2.24 billion. The Civil Division provides support to the Special Master and her staff, including inter-agency coordination, contract management by the Office of Litigation Support and the processing of VCF payments through the Office of Planning, Budget and Evaluation.

Additional Information. The www.vcf.gov website includes complete program information, frequently asked questions, messages from the Special Master, public reports on VCF progress, and detailed information on how to file a claim. The VCF's Fifth Annual Status Report was published in March 2017, and is available at <https://www.vcf.gov/pdf/VCFStatusReportMar2017.pdf>.

Performance, Workload, and Resources - Civil Division

Total Costs and FTE	Performance	Target		Actual		Target		Changes		Requested (Total)	
		FY 2016		FY 2016		FY 2017		Current Services Adjustments		FY 2018 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
(Reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		1,426	\$282,214 (\$186,801)	1,376	\$280,755 (\$168,635)	1,426	\$291,658	-59	\$92 (\$3,639)	1,367	\$291,750
											\$250,200
Type	Performance	FY 2016		FY 2016		FY 2017		Current Services Adjustments		FY 2018 Request	
Workload/Output	1. Number of cases pending beginning of year	23,541		24,541		24,486		N/A		27,597	
	2. Number of cases received during the year	16,478		14,471		16,618		N/A		14,872	
	3. Total Workload	40,019		39,012		41,104		N/A		42,469	
	4. Number of cases terminated during the year	15,533		13,063		15,898		N/A		12,803	
Civil Division Performance (Excludes VJCP and RECA)											
Outcome	5. Percent of civil cases favorably resolved	80%		98%		80%		N/A		80%	
	6. Percent of defensive cases in which at least 85 percent of the claim is defeated	80%		91%		80%		N/A		80%	
	7. Percent of affirmative cases in which at least 85 percent of the claim is recovered	60%		69%		60%		N/A		60%	
	8. Percent of favorable resolutions in non-monetary trial cases	80%		89%		80%		N/A		80%	
	9. Percent of favorable resolutions in non-monetary appellate cases	85%		94%		85%		N/A		85%	

	Target	Actual	Target	Changes	Requested (Total)
	FY 2016	FY 2016	FY 2017	Current Services Adjustments	FY 2018 Request
Vaccine Injury Compensation Program Performance					
Outcome	0%	0%	0%	0	0%
					0%
Efficiency	92%	100%	92%	0	92%
Radiation Exposure Compensation Program Performance					
	200	151	200	0	200
Outcome	90%	95%	90%	0	90%
	95%	92%	95%	0	95%
Efficiency	80%	88%	80%	0%	80%

Type	Measure	FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018		
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	
Workload/Output	1. Number of cases pending beginning of year	34,462		27,750		26,545		26,764		23,541		24,541		24,486		27,597
	2. Number of cases received during the year	17,303		15,566		15,212		14,836		16,478		14,471		16,618		14,872
	3. Total Workload	51,765		43,316		41,757		41,600		40,019		39,012		41,104		42,469
	4. Number of cases terminated during the year	22,586		16,129		16,941		15,383		15,553		13,036		15,898		12,803
Civil Division Performance (Excludes VICP and RECA)																
Outcome	5. Percent of civil cases favorably resolved	96%		98%		97%		93%		80%		98%		80%		80%
	6. Percent of defensive cases in which at least 85 percent of the claim is defeated	90%		87%		90%		86%		80%		91%		80%		80%
	7. Percent of affirmative cases in which at least 85 percent of the claim is recovered	73%		64%		61%		73%		60%		69%		60%		60%
	8. Percent of favorable resolutions in non-monetary trial cases	90%		90%		91%		87%		80%		89%		80%		80%
	9. Percent of favorable resolutions in non-monetary appellate cases	94%		94%		93%		91%		85%		94%		85%		85%
Vaccine Injury Compensation Program Performance																
Outcome	10. Percentage of cases in which judgment awarding compensation is rejected and an election to pursue a civil action is filed	0%		0%		0%		0%		0%		0%		0%		0%
Efficiency	11. Percentage of cases in which settlements are completed within the court-ordered 15 weeks	100%		100%		100%		100%		92%		100%		92%		92%

Type	Measure	FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Radiation Exposure Compensation Program Performance															
Outcome	12. Reduce average claim processing time to 200 days by FY 2016	116		247		272		200		200		151		200	
	13. Percentage of claims paid within six weeks of Program receipt of acceptance form	92%		86%		86%		90%		90%		95%		90%	
	14. Percentage of claim appeals adjudicated within 90 days of filing administrative appeal	100%		96%		97%		95%		95%		92%		95%	
Efficiency	15. Percentage of claims adjudicated within 12 months or less	97%		75%		76%		80%		80%		88%		80%	

DATA DEFINITION, VALIDATION, VERIFICATION, AND LIMITATIONS

All Workload and Performance Indicators: The data source for all indicators is CIMS, the Civil Division's automated case management system. Quality assurance efforts include regular interviews with attorneys to review data listings; program input screens designed to preclude incorrect data; exception reports listing questionable or inconsistent data; attorney manager review of monthly reports for data completeness and accuracy; and verification of representative data samples by an independent contractor.

Limitations: Incomplete data may cause the system to under-report workload and output data. These numbers are updated in future reports. Some performance successes can be attributed to litigation where U.S. Attorneys' offices were involved.

Indicators 5, 8, and 9: Favorable resolutions include court judgments in favor of the government as well as settlements.

All Workload and Performance Indicators: Workload and output data exclude Hurricane Katrina administrative claims and FEMA Hurricane Katrina/Rita trailer-related administrative claims. These claims have been removed to avoid skewing the data.

Performance, Resources, and Strategies

The Civil Division's work greatly contributes to the Federal Government's priorities. Civil has continued its successful efforts in recent years in affirmative and defensive, monetary and non-monetary litigation because of its highly skilled attorneys who efficiently use technological resources. Their successes, discussed below, are only possible with sufficient funding. In many of these cases, Civil works with colleagues in U.S. Attorney offices.

Performance Plan and Report for Outcomes

The Civil Division Defends the Interests of the United States

Civil defends the integrity of federal laws, regulations, policies, adjudications, and programs. Each year, thousands of lawsuits are filed to block or attempt to challenge the actions of the Federal Government. In particular, due to an immigration caseload that is growing and is expected to continue to grow, the Civil Division seeks a program increase for 20 positions for immigration litigation. (For more information about the program increase, see page 26.)

Ensuring the Safety and Security of the American People

Civil represents the Federal Government in challenges to efforts that protect the American people. Each year, the Civil Division defends thousands of immigration removal orders, comprised of challenges related to whether an individual is subject to removal from the U.S. or is eligible for some form of benefit, relief, or protection that would allow him or her to remain in the United States. Also, Civil defends challenges to immigration policies and files denaturalization cases seeking to revoke the citizenship of individuals who pose a danger to the American people.

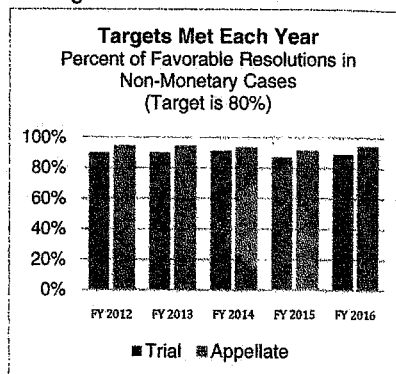
Still further, the Civil Division defends against challenges to the Federal Government's border patrol procedures, the use of advanced imaging technology during TSA screening procedures, the No Fly List, and the Terrorist Screening Database. Attorneys in the Civil Division defend the Department of the Treasury's Office of Foreign Assets Control for actions related to economic sanctions issues such as the freezing of assets due to sanctions. In other matters, Civil defends *Bivens* lawsuits brought against law enforcement and other high ranking government officials related to their efforts in protecting national security.

Defending Other Statutes, Regulations, Policies, and Decisions

Beyond these national security and homeland security matters, Civil has successfully defended numerous federal laws against constitutional challenges. To cite just a couple of examples, Civil led the defense of laws that impose registration requirements on sex offenders and laws that help protect cell phone users from “robocalls” and automated, unsolicited text messages. And in several separate cases, Civil is currently defending the Social Security Administration’s and Securities and Exchange Commission’s use of Administrative Law Judges in administrative proceedings. Civil attorneys also represent the Federal Government, as the nation’s largest employer, in a host of labor and employment cases filed against the Federal Government related to civil rights and discrimination.

Indicator of Civil’s Performance in Non-Monetary Defensive Cases

Civil’s recent performance for its non-monetary cases is summarized in the chart to the right. As this chart reveals, Civil consistently has met its performance targets in non-monetary cases like the ones described above.



The Civil Division Investigates Fraudulent Activity and Recovers Federal Funds

The Civil Division’s litigation involving fraud on the public fisc returns billions of dollars to the Federal Government each year. In FY 2016, the Civil Division, working with U.S. Attorneys, secured over \$6.9 billion in settlements, judgments, fines, and restitution. FY 2016 was not an anomaly; year after year Civil routinely returns billions of dollars to federal agencies and the U.S. Treasury.

This work entails large dollar health care fraud, financial fraud, and procurement fraud recoveries. Some examples of recent accomplishments in these areas appear below. At the same time, there are other areas in which the Civil Division recovers money. For instance, the Civil Division pursues affirmative litigation when a complex Chapter 11 bankruptcy case is filed or the debtor is able, but unwilling, to pay a large debt to the Government. In contracting matters, the Civil Division files claims to recover funds when vendors violate the terms of the contract and also ensures that importers pay the correct duty on goods that they seek to import into the United States. Also, affirmative Admiralty litigation seeks compensation for the loss of government cargo; damage to locks, dams, and natural resources; and the costs associated with maritime

pollution cleanups. Recent examples of the Civil Division's successes in these matters are below; in these matters, the Civil Division collaborated with U.S. Attorneys' Offices.

In February 2016, Morgan Stanley paid a \$2.6 billion penalty to resolve claims related to its marketing, sale, and issuance of residential mortgage-backed securities. The penalty resolved claims under the Financial Institutions Reform, Recovery, and Enforcement Act. This act authorizes the Federal Government to impose civil penalties against financial institutions that violate various predicate offenses, including wire and mail fraud.

In April 2016, Wells Fargo Bank, N.A. paid \$1.2 billion to settle civil mortgage fraud claims stemming from Wells Fargo's participation in a Federal Housing Administration (FHA) lending program. As part of the settlement, Wells Fargo acknowledged responsibility for, among other things, certifying to the Department of Housing and Urban Development (HUD), during the early 2000s, that certain residential home mortgage loans were eligible for FHA insurance when in fact they were not, resulting in the Government having to pay FHA insurance claims when loans defaulted.

In the area of health care fraud, in April 2016, drug manufacturers Wyeth and Pfizer Inc. paid \$784.6 million to settle federal and state claims that Wyeth knowingly reported false and fraudulent prices on two drugs that were used to treat acid reflux. The Federal Government alleged that Wyeth (before it was acquired by Pfizer) failed to report deep discounts available to hospitals, as required by the Federal Government to ensure that the Medicaid program enjoyed the same pricing benefits available to the company's commercial customers. In total, the company paid \$413.2 million to the Federal Government and \$371.4 million to state health care programs.

In November 2015, L-3 Communications EoTech, Inc., its parent company, L-3 Communications Corporation, and EoTech's president paid \$25.6 million to settle allegations that EoTech sold defective holographic weapon sights to the U.S. Department of Defense, the U.S. Department of Homeland Security, and the Federal Bureau of Investigation. These sights were designed to allow users to quickly acquire and hit targets, and to return fire in a range of extreme environmental conditions. Defendants knew that the sights failed to perform as represented in cold temperatures and humid environments, but delayed disclosure of these defects for years.

In April 2016, Z Gallerie LLC, a California-based seller of upscale furniture and accessories in stores throughout the country and on the internet, paid \$15 million to resolve allegations that the company engaged in a scheme to evade customs duties on imports of wooden bedroom furniture from the People's Republic of China, in violation of the False Claims Act.

The Civil Division Protects the Health, Safety, and Economic Security of Consumers

In addition to significant returns to the Treasury, this litigation also punishes bad actors who seek to harm and defraud individual Americans. Below is a sampling of Civil's recent work that directly impacts the health, safety, and economic security of American consumers.

In September 2016, the Civil Division, working with U.S. Attorney offices and a number of foreign authorities, took steps to thwart international mass-mailing fraud that targeted the elderly. Specifically, the Department of Justice filed civil and criminal cases in federal district court against several individuals and companies that allegedly engaged in multiple international mail fraud schemes that have defrauded elderly and vulnerable U.S. victims. The complaints allege that victims responded to direct mail solicitations that falsely claimed that the individual won, or soon would win, cash or some other valuable prize. In total, it is estimated that millions of U.S. victims sent hundreds of millions of dollars to the perpetrators. In addition to filing the charges, U.S. and foreign law enforcement executed a number of search and seizure warrants to collect evidence and seize illegal proceeds. The U.S. Treasury Department also designated a foreign payment processor as a Transnational Criminal Organization for its role in facilitating the movement of fraudulent mass-mail fraud proceeds for over 20 years. This designation bars U.S. persons from transacting business with the processor.

In May 2016, B. Braun Medical Inc. (B. Braun) agreed to pay \$4.8 million in forfeiture and penalties as well as an additional \$3 million in restitution to resolve its criminal liability for selling contaminated pre-filled saline flush syringes. The saline syringes at issue had a B. Braun label but were manufactured by another company. Moreover, this resolution mandates that B. Braun improve its oversight of its product suppliers so as to prevent future sales of contaminated products.

In July 2016, the U.S. Court of Appeals for the Eighth Circuit affirmed the prison sentences and denied a petition for *en banc* review of two defendants who pled guilty to misdemeanor violations of the Federal Food, Drug and Cosmetic Act in connection with their role in a 2010 nationwide outbreak of contaminated eggs produced and distributed by Quality Egg LLC. Those eggs were linked to more than 1,900 reported consumer illnesses in multiple states — a nationwide outbreak of salmonellosis that led to one of the largest egg recalls in American history. In June 2014, Quality Egg, which itself pled guilty to crimes associated with its sale of eggs, was sentenced to pay a fine of \$6.79 million. In April 2015, the two corporate officers (a father and son) each were sentenced to serve three months in prison. (The individual defendants have petitioned the Supreme Court for certiorari.)

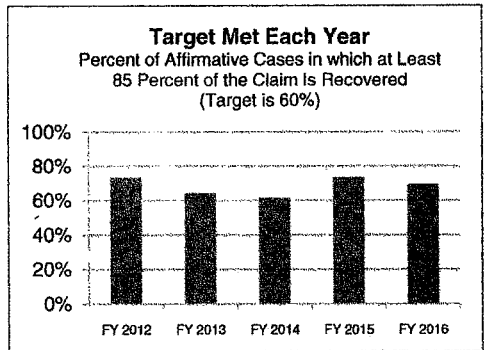
In December 2016, ConAgra Grocery Products LLC, a subsidiary of ConAgra Foods, pled guilty to a misdemeanor Federal Food, Drug and Cosmetic Act charge in connection with a 2006-2007 nationwide salmonellosis outbreak caused by the

company's peanut butter. Pursuant to a plea agreement, the company admitted that it shipped contaminated Peter Pan and private label peanut butter and agreed to pay an \$8 million criminal fine – the largest ever paid in a federal food safety case – as well as forfeit \$3.2 million in assets. The CDC eventually identified more than 700 cases of salmonellosis linked to the outbreak and estimated that thousands of additional related cases went unreported.

Also, in December 2016, the world's largest dietary supplement retailer, GNC Holdings Inc. (GNC), entered into a wide-ranging non-prosecution agreement with the Department to reform its practices related to potentially unlawful dietary ingredients and dietary supplements, and further promised to embark on a series of voluntary initiatives designed to improve the quality and purity of dietary supplements. The agreement resolved GNC's liability for selling certain dietary supplements produced by a firm now facing criminal charges. As part of the agreement, GNC agreed to pay \$2.25 million to the U.S. Government and cooperate in dietary supplement investigations conducted by the government.

Indicator of Civil's Performance in Monetary Affirmative Cases

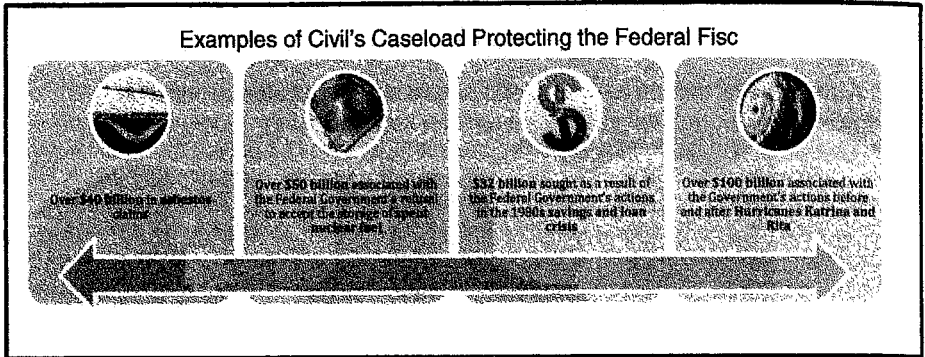
As with other performance measures, Civil consistently has met its performance targets for affirmative, monetary cases over the past several years. The chart to the right illustrates that Civil and its partners recover at least 85% of the amount sought in these affirmative cases.



The Civil Division Protects the Federal Fisc

The Federal Government engages in countless transactions annually, such as purchasing and leasing goods or services, offering loan guarantees and grants, signing contracts, and issuing payroll. Inevitably, disagreements sometimes arise over the terms of these agreements, and parties will sue the Federal Government. In other situations, a debtor may not be able to pay the full amount of its debt to the Federal Government and will file a bankruptcy case. Likewise, the Federal Government's activities can give rise to numerous allegations of negligence and tort claims. Suits arise from medical care or treatment, regulatory activities, law enforcement, and the maintenance of federal lands. Similarly, the Civil Division defends the Federal Government in complex Chapter 11 bankruptcy matters and, in so doing, protects the Federal Government's contracting rights and regulatory interests while also avoiding the payment of unwarranted damages. These cases can last for several years or even decades. Just as importantly, one negative precedent will encourage similar future suits and thereby worsen the Federal Government's bottom line.

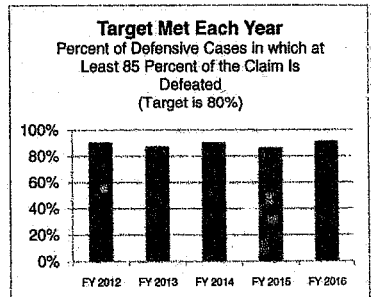
The events that give rise to these cases – whether regulatory action or natural disasters – are unique and varied. Yet, the results are remarkably similar. Historically, in defensive cases handled by Civil, the U.S. Treasury has paid a very small percentage of the total dollars claimed – often only pennies for each dollar claimed.



As noted in the graphic above, the amounts sought in these cases are substantial. Civil estimates that in cases resolved in FY 2016, Civil defeated tens of billions of dollars in amounts sought by opposing parties. In terms of cases handled in FY 2016 by Civil Division attorneys – though not necessarily closed – Civil defended against tens of billions of dollars.

Indicators of Civil's Performance in Monetary Defensive Cases

These cases are illustrative examples of the major monetary, defensive cases in which Civil represents the Federal Government. Civil has consistently met its performance target by consistently defeating the overwhelming majority of amounts sought in claims brought against the Federal Government in these defensive, monetary cases.



Strategies to Accomplish Outcomes

Key Civil Division Outcomes:

Recover money lost to fraud, waste, and abuse.

Protect the federal fisc from unmeritorious claims.

Promote America's national and homeland security interests.

Uphold immigration enforcement actions.

The Civil Division strives to use the best strategies to achieve its outcomes. It is focused on efficiently using its resources, leveraging the most advanced technology, and recruiting and training dedicated public servants. By utilizing these strategies, the Civil Division ensures that the Federal Government will have the best possible legal representation.

Civil Coordinates with Other Government Actors to Achieve Outcomes

The Civil Division works closely with partners at all levels of government. For example, its Fraud Section and Consumer Protection Branch work together on cases involving health care fraud. Within the Department of Justice, the Civil Division routinely jointly handles cases with U.S. Attorneys and also works with the Criminal Division and the Environment and Natural Resources Division. In investigations, Civil collaborates with client agencies. When seeking to recover funds defrauded from federal and state governments, Civil collaborates with state prosecutors. This collaboration ensures efficiency as information is quickly exchanged and multiple agencies can share costs.

Civil Strives to Reduce Costs Whenever Possible

The Civil Division constantly strives to reduce costs. In recent years, Civil found innovative ways to reduce utilities, travel, printing, publication, and other administrative costs. Further, Civil employs its Automated Litigation Support program. This program utilizes specialized people and technology to aid in discovery, pre-trial activities, and trial preparation – resulting in saving time, money, and resources. Finally, Civil has worked with OMB and GSA on two separate office consolidations that will, in the long-term, result in eventual cost savings to the Federal Government of reduced rent costs. All of these projects ensure that the Civil Division is efficiently using taxpayer dollars.

Civil Supports its Workforce

The Civil Division's greatest asset is its high-quality work force. Consistently, the Civil Division recruits the best and brightest attorneys who are committed to public service and the mission of the U.S. Department of Justice. Civil ensures that its attorneys and support staff have the tools needed to succeed in litigation. Investments are made in training programs, professional development and leadership opportunities, as well as mentorship and coaching programs. Ultimately, these tools allow attorneys to be fully prepared to represent the United States in litigation. Still further, its attorneys and support staff are provided the tools, including litigation support and other information technology items, to aid them in performing their jobs.

Program Increase: Immigration Litigation

Item Name: Immigration Litigation

Program Increase: Positions – 20; Attys – 15; FTE – 10; Dollars – \$1,876,000

Summary

The Civil Division seeks 20 positions to handle immigration litigation. Additional staffing is critical given the litigation that will arise from the Federal Government's commitment to enforcing America's immigration laws, protecting the nation from foreign terrorists entering the United States, and securing the nation's southern border.

Justification

The Civil Division's Office of Immigration Litigation oversees all civil immigration litigation in federal courts and coordinates national immigration matters before federal district and appellate courts. This litigation involves national security, public safety, terrorism-related issues, denaturalization matters, challenges to removal orders, employment-based immigration, and student visas. Moreover, the Office of Immigration Litigation's caseload involves both programmatic challenges to immigration laws and policies as well as individual challenges to immigration decisions. The Office of Immigration Litigation is comprised of two separate sections: (1) Office of Immigration Litigation – District Court Section, and (2) Office of Immigration Litigation – Appellate Section.

While this litigation encompasses different types of cases and different legal issues, there is a common denominator – whenever the Federal Government's immigration policies or actions are litigated in court, generally, the Civil Division must represent the Federal Government.

The Administration has made a clear commitment to ensuring a lawful system of immigration that serves the interests of the American people. This commitment is evident in the proposed funding increases for the Department of Homeland Security and for the Department of Justice's Executive Office for Immigration Review in the President's FY 2018 Budget Request (as noted in OMB's "America First, A Budget Blueprint to Make America Great Again" budget summary). The immigration litigation caseload of the Civil Division will increase. New policies will be subject to new programmatic challenges. More rigorous enforcement of immigration laws will lead to more aliens being detained, more aliens subject to orders of removal, and, thus, more individual challenges to the Federal Government's actions.

The need for additional staffing is immediate. In particular, the OIL-District Court Section has already seen a significant increase in litigation and has been advised by its client agencies that changed priorities will lead to further increases in litigation. In

response, the Department has made a commitment to its client agency and to the Senate Judiciary Committee to handle these cases without delay.

The overwhelming majority – approximately 96% – of OIL’s cases are defensive, meaning that another party has filed an action against the Federal Government, and the Civil Division must respond pursuant to a court-ordered schedule. At the same time, affirmative denaturalization cases involve individuals who pose potentially grave threats to the nation’s national security and public safety; such cases must not be delayed or postponed.

Without additional staffing, Civil would need to contemplate several options. First, more immigration cases would be delegated to U.S. Attorney offices, even though these offices may face difficulties in absorbing the work. Indeed, several U.S. Attorney offices have recently asked OIL-DCS to take on all immigration cases arising in their respective jurisdictions. Second, Civil Division attorneys handling other priority work outside the immigration realm, possibly including consumer protection, defending procurement activity, or pursuing money owed to the Federal Government because of fraud, would take on immigration cases. Third, attorneys from other DOJ components would be pressed to handle immigration matters. Relying on attorneys with limited immigration expertise is not practical given that immigration law is a highly specialized and nuanced area of the law. Still further, taking attorneys away from other projects, whether in the Civil Division or in other DOJ components, means that other vital priorities would be negatively impacted. Finally, DOJ attorneys with limited, if any, immigration experience representing the Federal Government on sensitive matters before federal courts risks undermining the credibility of the U.S. Department of Justice before federal judges.

At this time, the Civil Division is seeking 20 additional positions (15 attorneys and 5 support staff). The Civil Division has an immediate need for this staffing. The workload challenges for each section of the Office of Immigration Litigation are explained below.

Office of Immigration Litigation – District Court Section

The Civil Division’s Office of Immigration Litigation – District Court Section (“OIL-DCS”) represents the U.S. in federal trial and appellate courts in matters involving the Immigration and Nationality Act. OIL-DCS’s caseload includes matters related to denaturalization, terrorism-related immigration issues, detention, and employment-based immigration. The number and type of cases, however, do not reflect the fact that these cases are time and resource-heavy. The work is complex, high profile, and precedent-setting. Additional positions are needed for two growing areas: (1) national security cases as well as (2) programmatic challenges.

First, OIL-DCS's national security docket includes denaturalization, detention, and other naturalization matters. Regarding denaturalization, OIL-DCS pursues the revocation of U.S. citizenship from known or suspected terrorists and human rights violators. As a recent example, in a March 20, 2017, press release DOJ announced filing a civil action in Illinois against a 47-year-old naturalized citizen accused of unlawfully procuring his U.S. citizenship. The naturalized citizen is a native of Pakistan and is currently serving a criminal sentence for conspiracy to provide material support to al-Qaeda and for providing material support to al-Qaeda. Regarding denaturalization proceedings, in short, the Immigration and Nationality Act provides for the revocation of U.S. citizenship where an alien illegally procured naturalization or obtained it through willful material misrepresentations. Civil denaturalization is a critical tool to disrupt terrorist activities. In an April 20, 2017, press release, DOJ announced that a federal court had entered an order revoking the naturalized U.S. citizenship of a confessed al-Qaeda operative. According to the Attorney General, "[t]his case demonstrates the Department's commitment to using all tools at its disposal, both criminally and civilly, to strategically enforce our nation's immigration laws and to disrupt international terrorism." Beyond protecting the American people, denaturalization is a critical instrument to return human rights violators to the countries where they perpetrated barbarous acts of genocide, persecution, and other crimes against humanity. Denaturalization proceedings are the first step to these individuals' expulsion from the United States.

OIL-DCS denaturalization cases have included:

- A naturalized U.S. citizen who plotted to set off a bomb in New York City during Thanksgiving 2012.
- A naturalized U.S. citizen who plotted to assassinate the Saudi Arabian Ambassador.
- A naturalized U.S. citizen who used his charity as an illegal front to funnel over \$3.5 million dollars to a foreign intelligence agency.
- A naturalized U.S. citizen who conspired with al-Qaeda in a plot to bring down the Brooklyn Bridge.
- A human rights violator responsible for at least 12 extrajudicial killings during armed conflict between Latin American government forces and guerilla groups.

The number of denaturalization cases handled by the Civil Division will increase dramatically in the very near future. In the past five years OIL-DCS, has received and handled approximately 60 new denaturalization cases. But, at this time, Civil is anticipating the potential referral of hundreds of additional denaturalization cases. Given the national security and public safety issues in these matters, OIL-DCS must move to initiate denaturalization proceedings as soon it receives these matters. Indeed, the Attorney General stated in the April 20, 2017, press release that "[t]he Justice Department is committed to protecting our nation's national security and will aggressively pursue denaturalization of known or suspected terrorists[.]" Although OIL-DCS is committed to aggressively pursuing denaturalization of known or suspected terrorists, current staffing simply cannot effectively handle the expected exponential growth in caseload.

In addition to denaturalization cases, OIL-DCS has defended dozens of habeas actions brought by detained aliens and thus ensured terrorist aliens are kept in detention – and away from innocent Americans – pending removal. Past cases involved Al-Qaeda operatives who plotted to bomb San Francisco landmarks; an alien who helped set up a terrorist training camp in America; and an alien convicted of bombing a Pan Am flight and connected to terrorist plots in Europe and Brazil. In other matters, OIL-DCS aggressively defends cases brought by known or suspected terrorists who are seeking to become U.S. citizens. Terrorist organizations systematically recruit naturalized and prospective U.S. citizens and passport holders to exploit the ease in which they can travel globally to deliver assistance to terrorist networks. Past cases have involved naturalization claims of members of Al-Qaeda, Hamas, and Al-Shabab.

In addition to these national security and public safety matters, OIL-DCS represents the Federal Government in programmatic challenges to immigration laws, regulations, and policies. In such a challenge, an individual or group challenge the application of a law, regulation, or policy application to any and all persons or groups. When these challenges are successful, entire immigration programs are shut down. The volume of these cases has grown in recent years and is expected to continue to do so. Of late, OIL-DCS has defended a growing number of class action cases. Each requires a team of several attorneys. Cases can last for more than a decade. Historically, OIL-DCS handles 15 class action cases at any one time but is now handling more than 51. Another area of increasing interest in programmatic challenges has been litigation surrounding the Federal Government's foreign guest worker immigration programs run by the Department of Homeland Security and the Department of Labor. Finally, recent immigration policy pronouncements by the Administration, including executive orders, have caught the attention of many interested parties. Already, several of these policies have been subject to programmatic challenges. The Civil Division defends laws, statutes, and policies when challenged, and, thus, Civil must represent the Federal Government in these cases. Also, Civil's Federal Programs Branch has assisted in defending these challenges. The Federal Programs Branch has been defending these challenges in multiple jurisdictions across the country and will defend any future challenges to these and any future immigration policy pronouncements. In addition, the Federal Programs Branch will take the lead in any affirmative litigation considered in further support of the Administration's immigration policies.

Office of Immigration Litigation – Appellate Section

The Office of Immigration Litigation – Appellate Section holds primary responsibility for civil immigration case litigation before the federal appellate courts. These cases involve a myriad of complex and challenging factual, legal, and constitutional issues relating to whether an individual, pursuant to the Immigration and Nationality Act, is subject to removal from America or is eligible for some form of benefit, relief, or protection that would allow him or her to remain in the United States. Each year, the office receives several thousand new cases that are heard in the America's federal appellate courts. Over the past 10 years, OIL-Appellate has averaged receiving more than 7,400 new cases each year.

The workload of OIL-Appellate is directly tied to enforcement efforts of the U.S. Department of Homeland Security and the resulting removal adjudications by the Department of Justice's Executive Office for Immigration Review ("EOIR"). The Department of Homeland Security initiates legal proceedings to remove aliens. Immigration judges at EOIR preside over removal proceedings to determine whether an alien should be ordered removed. Appeals may be filed with the Board of Immigration Appeals at EOIR and, ultimately, with federal appellate courts. When these cases enter the federal appellate courts, OIL-Appellate represents the Federal Government. Historically, over the past 15 years, 25% of decisions from the Board of Immigration Appeals are appealed to the federal appellate courts.

In total, thousands of new immigration cases are filed in the federal appellate courts each year. Current staffing levels require each attorney in OIL-Appellate to handle over 50 different immigration cases each year. As noted above, as there is a direct pipeline of cases from DHS to EOIR to OIL-Appellate, increasing budgetary resources for DHS and EOIR will result in an increase in OIL-Appellate's caseload. Without sufficient staffing, the enhanced efforts of DHS and EOIR will be stymied as cases will be delayed when they reach the federal appellate courts.

As with OIL-DCS, OIL-Appellate's work directly relates to national security and public safety. In litigation conducted in recent years, a national security unit within OIL-Appellate has secured through the federal appeals courts the removal of terrorist aliens, including:

- A high-level Salvadoran defense minister responsible for widespread murders and torture in the 1980s,
- A Bosnian-Serb paramilitary police officer who lied to U.S. immigration officials about his service during the Bosnian War from 1992 to 1995, and
- Major participants in 1990s Rwandan genocide and the Guatemala 1982 Dos Erres massacre in which more than 200 men, women, and children were tortured and murdered.

Performance and Budget Information

Outcomes of the immigration related litigation are reflected in two of the Civil Division's performance measures: (1) the percentage of favorable resolutions in non-monetary trial cases; and (2) the percentage of favorable resolutions in non-monetary appellate cases. Civil has a strong history of meeting, or exceeding, these targets. Due to an increasing caseload, for Civil to continue to achieve impressive results in these performance measures, additional funding is needed in FY 2018 for the Civil Division.

Base Funding

<i>FY 2016 Enacted</i>				<i>FY 2017 Continuing Resolution</i>				<i>FY 2018 Current Services</i>			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
414	315	410	\$68,700	414	315	410	\$68,700	406	315	402	\$69,650

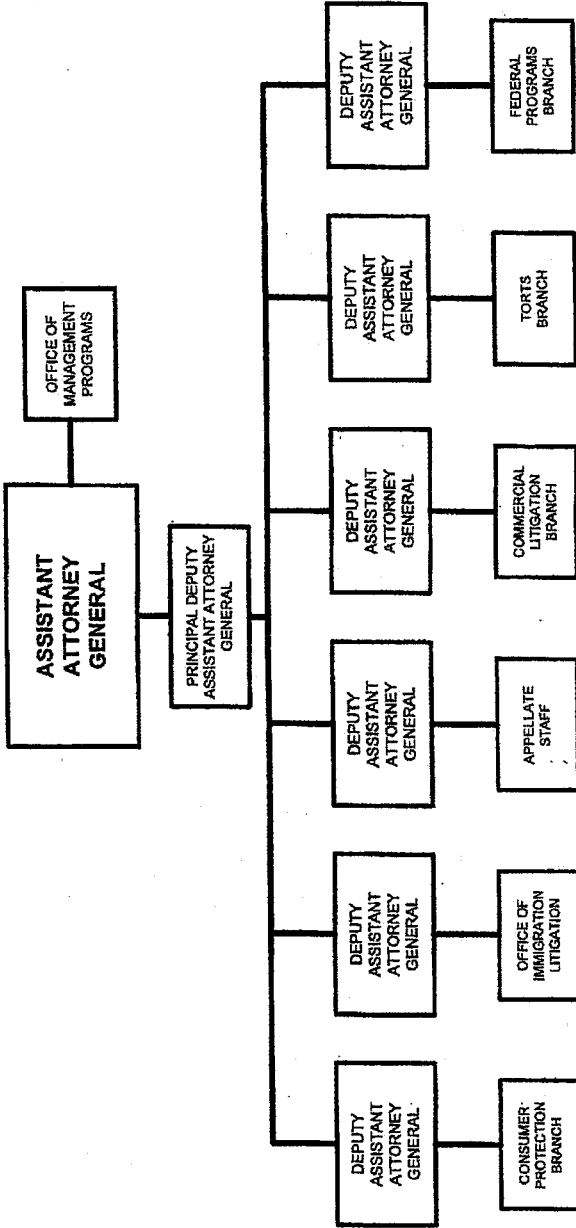
Personnel Increase Cost Summary

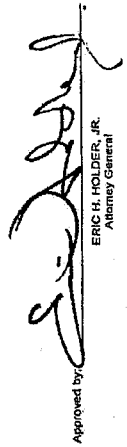
Type of Position/Series	Full-year Modular Cost per Position (\$000)	1 st Year Annualization	Number of Positions Requested	FY 2018 Request (\$000)	2 nd Year Annualization	2 nd Year FY 2019 Net Annualization (change from 2018) (\$000)	3 rd Year FY 2020 Net Annualization (change from 2019) (\$000)
Attorneys (0905)	\$203	\$108	15	\$1,616	\$92	\$1,383	\$113
Paralegals / Other Law (0900-0999)	\$96	\$52	5	\$260	\$54	\$272	\$19
Total Personnel			20	\$1,876		\$1,655	\$132

Non-Personnel Increase Cost Summary – N/ATotal Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)
Current Services	406	315	402	\$69,650	\$0	\$69,650		
Increases	20	15	10	\$1,876	\$0	\$1,876	\$1,655	\$132
Grand Total	426	330	412	\$71,526	\$0	\$71,526		

CIVIL DIVISION



Approved by: 
ERIC H. HOLDER, JR.
Attorney General

Date: April 3, 2012

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

B. Summary of Requirements

	FY 2018 Request	
	Positions	Estimate FTE
2016 Enacted ^{1/}	1,325	1,194
Total 2016 Enacted	1,325	1,194
2017 Continuing Resolution	1,325	1,189
2017 Rescission - 0.1901%	0	0
Total 2017 Continuing Resolution	1,325	1,189
Base Adjustments		
Pay and Benefits	-205	-69
Domestic Rent and Facilities	0	0
Foreign Expenses	0	0
Total Base Adjustments	-205	-69
Total Technical and Base Adjustments	-205	-69
2018 Current Services	1,120	1,120
Program Changes		
Increases:		
Immigration Litigation (Attorneys and Support Staff)	20	10
Subtotal, Increases	20	10
Total Program Changes	20	10
2018 Total Request	1,140	1,130
2017 - 2018 Total Change	-185	-59
		292,214
		292,214
		292,214
		-556
		291,658
		-2,960
		1,182
		-6
		-1,784
		-1,784
		289,874
		1,876
		1,876
		1,876
		291,750
		92

^{1/} FY 2016 FTE is actual

B. Summary of Requirements

Summary of Requirements

Civil Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution			FY 2018 Technical and Base Adjustments			FY 2018 Current Services			
	Positions	Actual FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Legal Representation	1,325	1,194	292,214	1,325	1,189	291,658	-205	-69	-1,784	1,120	1,120	289,874
Total Direct	1,325	1,194	292,214	1,325	1,189	291,658	-205	-69	-1,784	1,120	1,120	289,874
Balance Rescission			0			0			0			0
Total Direct with Rescission		182	292,214		237	291,658		0	-1,784		237	289,874
Reimbursable FTE		1,376			1,426			-69			1,357	
Total Direct and Reimb. FTE												
Other FTE:												
LEAP		0			0			0				0
Overtime		2			3			0				3
Grand Total, FTE		1,378			1,429			-69			1,360	

Program Activity	2018 Increases		2018 Offsets			2018 Request			
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Legal Representation	20	10	1,876	0	0	0	1,140	1,130	291,750
Total Direct	20	10	1,876	0	0	0	1,140	1,130	291,750
Balance Rescission			0			0			0
Total Direct with Rescission		0	1,876		0	0			291,750
Reimbursable FTE		0			0			237	
Total Direct and Reimb. FTE		10			0			1,367	
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			3	
Grand Total, FTE		10			0			1,370	

FY 2018 Program Increases/Offsets by Decision Unit

Civil Division
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Legal Representation			Amount	Positions	Agmt./Atty.	Total Increases	
		Positions	Agmt./Atty.	Est. FTE				Est. FTE	Amount
Immigration Litigation (Attorneys and Support Staff)	Page 26	20	15	10	1,876	20	15	10	1,876
Total Program Increases		20	15	10	1,876	20	15	10	1,876

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Civil Division
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate	Amount
	FTE		
Pay and Benefits			
1 2018 Pay Raise - 1.9% This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount requested, \$2,705,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$2,159,000 for pay and \$546,000 for benefits).	0	0	2,705
2 Annualization of 2017 Pay Raise - 2.88% This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88% included in the 2017 Appropriation. The amount requested, \$1,207,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$963,000 for pay and \$244,000 for benefits).	0	0	1,207
3 Attrition and/or Administrative Savings To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	-47	-47	-8,006
4 Employees Compensation Fund The \$21,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.	0	0	21
5 Health Insurance Effective January 2018, the component's contribution to Federal employees' health insurance increases by 8.9 percent. Applied against the 2017 estimate of \$9,155,000, the additional amount required is \$815,000.	0	0	815
6 Position Rightsizing Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	-158	-22	0
7 Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$298,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	298
Subtotal, Pay and Benefits	-205	-69	-2,960

-116

c. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Civil Division
Salaries and Expenses
(Dollars in Thousands)

		Positions	Estimate	Amount
		FTE		
Domestic				
Domestic Rent and Facilities				
1	Guard Service This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$1,182,000 is required to meet these commitments.	0	0	1,182
Subtotal, Domestic Rent and Facilities		0	0	1,182
Foreign Expenses				
1	Capital Security Cost Sharing Per P. L. 108-447 and subsequent acts, "all agencies with personnel overseas subject to chief of mission authority...shall participate and provide funding in advance for their share of costs of providing new, safe, secure U.S. diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined by the Secretary of State." Originally authorized for FY 2000-2004, the program has been extended annually by OMB and Congress and has also been expanded beyond new embassy construction to include maintenance and renovation costs of the new facilities. For the purpose of this program, State's personnel totals for DOJ include current and projected staffing. The estimated cost to the Department, as provided by State, for FY 2018 is \$145 million. The Civil Division currently has 3 positions overseas, and a funding decrease of \$15,000 is requested for this account.	0	0	-15
2	ICASS The Department of State charges agencies for administrative support provided to staff based overseas. Charges are determined by a cost distribution system. The FY 2018 request is based on the projected FY 2017 bill for post invoices and other ICASS costs.	0	0	7
3	State Department Passport Costs Effective on October 1, 2016, DOS will begin charging \$110 per passport application to federal agencies for diplomatic, official, and no-fee regular passports provided to employees, contractors, and other individuals.	0	0	2
Subtotal, Foreign Expenses		0	0	-6
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS		-205	-69	-1,784

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability

Civil Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover		FY 2016 Availability		
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Positions	Actual FTE	Amount
Legal Representation	1,325	1,194	292,214	0	0	0	330	456	1,325	1,194	293,000
Total Direct	1,325	1,194	292,214	0	0	0	330	456	1,325	1,194	293,000
Balance Rescission			0			0	0	0			0
Total Direct with Rescission			292,214			0	330	456			293,000
Reimbursable FTE		182								182	
Total Direct and Reimb. FTE		1,376				0				1,376	
Other FTE:											
LEAP FTE		0								0	
Overtime		2								2	
Grand Total FTE		1,378				0				1,378	

Carryover:

Funds were carried over into FY 2016 from GLA's 2015 no-year account.

Recoveries/Refunds:

Direct recoveries from GLA's no-year accounts total \$456 thousand

G. Crosswalk..... of 2017 Availability

Crosswalk of 2017 Availability
 Civil Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution			Reprogramming/Transfers			Carryover		Recoveries		FY 2017 Availability		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Amount	Amount	Amount	Positions	Est. FTE	Amount	
Legal Representation	1,325	1,189	291,658	0	0	0	16	16	0	1,325	1,189	291,674	
Total Direct	1,325	1,189	291,658	0	0	0	16	16	0	1,325	1,189	291,674	
Balance Rescission			0			0	0	0	0			0	
Total Direct with Rescission			291,658			0	16	16	0			291,674	
Reimbursable FTE		237									237		
Total Direct and Reimb. FTE		1,426									1,426		
Other FTE:													
LEAP FTE		0									0		
Overtime		3									3		
Grand Total FTE		1,429									1,429		

Carryover:
 Funds were carried over into FY 2017 from GLA's 2016 no-year account.

Summary of Reimbursable Resources

Civil Division
Salaries and Expenses
(Dollar in Thousands)

Collections by Source	2016 Actual		2017 Estimate		2018 Request		Increase/Decrease	
	Reimb. Pos.	Amount FTE	Reimb. Pos.	Amount FTE	Reimb. Pos.	Amount FTE	Reimb. Pos.	Amount FTE
Bureau of Alcohol, Tobacco, Firearms and Explosives	0	173	0	56	0	59	0	5
Centers for Medicare & Medicaid Services (CMS)	0	656	0	1,500	0	1,500	0	0
Commodity Futures Trading Commission	0	3884	0	1,206	0	1,206	0	0
Consumer Financial Protection Bureau	0	1,283	0	70	0	70	0	0
Consumer Product Safety Commission	0	1,283	0	70	0	70	0	0
Department of the Army	0	683	0	0	0	0	0	0
Defense Logistics Agency	0	144	0	1,365	0	1,365	0	0
Department of Transportation	0	279	0	0	0	0	0	0
Department of Defense	0	65	0	0	0	0	0	0
Department of Education	0	706	0	0	0	0	0	0
Department of Health and Human Services	0	279	0	0	0	0	0	0
Department of Homeland Security	0	156	0	97	0	97	0	0
Department of Justice	0	113	0	459	0	459	0	0
Department of Justice	0	11,544	0	11,400	0	11,400	0	0
Department of the Air Force	0	3,196	0	5,400	0	5,400	0	0
Department of the Navy	0	71	0	0	0	0	0	0
Department of Treasury	46	1,213	46	1,566	43	1,566	0	0
Department of Veterans Affairs	46	30	46	9,356	43	9,356	0	0
Director of Columbia Government	0	1,653	0	514	0	514	0	0
Executive Office for U.S. Trade	0	692	0	1,134	0	1,134	0	0
Federal Bureau of Investigation	0	40	0	98	0	98	0	0
Federal Reserve System	0	4,259	0	0	0	0	0	0
Federal Reserve System	0	500	0	0	0	0	0	0
Federal Reserve System	0	157	0	45	0	45	0	0
National Park Service	0	157	0	45	0	45	0	0
Health Care Fraud and Abuse Control (Discretionary Funding)	33	25	33	13,156	33	13,900	0	746
Health Care Fraud and Abuse Control (Mandatory Funding)	60	17,076	60	18,401	60	18,900	0	2,892
Internal Security (Discretionary Funding)	0	211	0	150	0	150	0	0
Office of Attorney Recruitment/Management	0	14	0	0	0	0	0	0
Office of Legislative Affairs	105	59,563	105	102,867	105	102,867	0	0
Office of Personnel Management	0	569	0	300	0	300	0	0
U.S. Attorney	0	913	0	0	0	0	0	0
U.S. Government Printing Office	0	48	0	26	0	26	0	0
U.S. Environmental Protection Agency	0	150	0	0	0	0	0	0
EQUSA	0	656	0	0	0	0	0	0
Working Capital Fund	0	352	0	0	0	0	0	0
Executive Office of the President	0	16	0	0	0	0	0	0
Office of Justice for Victims of Terrorism	0	68	0	0	0	0	0	0
Other Antiterrorism Efforts	0	0	0	91,290	0	91,290	0	0
Budgetary Resources	240	182	240	237	240	237	240	3,659
Obligations by Program Activity								
Legal Representation	Reimb. Pos.	Amount FTE	Reimb. Pos.	Amount FTE	Reimb. Pos.	Amount FTE	Reimb. Pos.	Amount FTE
Legal Representation	240	182	240	237	240	237	240	3,659
Budgetary Resources	240	182	240	237	240	237	240	3,659

Note: The reimbursable resources here include Health Care Fraud resources funded through direct collections that are elsewhere shown as direct resources. The Health Care Fraud resources are presented here to indicate that these positions, FTE, and amounts are not funded through DOJ direct appropriations.

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Civil Division
Salaries and Expenses
(Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution				FY 2018 Request				
	Direct Pos	Reimb. Pos.	Direct Pos.	Reimb. Pos	A/TBs	Program Increases	Program Offsets	Total Direct Pos	Total Reimb. Pos		
Attorneys (905)	953	190	953	190	-135	15	0	633	190		
Paralegal Specialist (0350)	140	21	140	21	*10	5	0	135	21		
Others	232	29	232	29	-60	0	0	172	29		
Total	1,325	240	1,325	240	-205	20	0	1,140	240		
Headquarters Washington D.C	1,303	240	1,302	240	-205	20	0	1,117	240		
US Fields	21	0	21	0	0	0	0	21	0		
Foreign Field	1	0	2	0	0	0	0	2	0		
Total	1,325	240	1,325	240	-205	20	0	1,140	240		

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

Grades	Program Increases		Legal Representation		Program Decreases		Total Program Changes	
	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount
GS-15	15	1,971	0	0	0	0	15	1,971
GS-9	5	274	0	0	0	0	5	274
Total Positions and Annual Amount	20	2,245	0	0	0	0	20	2,245
Lapse (-)	-10	-1,122	0	0	0	0	-10	-1,122
11.5 - Other personnel compensation	0	0	0	0	0	0	0	0
Total FTEs and Personnel Compensation	10	1,123	0	0	0	0	10	1,123
12.1 - Civilian personnel benefits	0	346	0	0	0	0	0	346
21.0 - Travel and transportation of persons	0	53	0	0	0	0	0	53
22.0 - Transportation of things	7	7	0	0	0	0	7	7
23.3 - Communications, utilities, and miscellaneous charges	0	49	0	0	0	0	0	49
24.0 - Printing and reproduction	0	9	0	0	0	0	0	9
25.2 - Other services from non-federal sources	0	39	0	0	0	0	0	39
25.3 - Other goods and services from federal sources	0	116	0	0	0	0	0	116
25.6 - Medical care	1	1	0	0	0	0	1	1
26.0 - Supplies and materials	0	7	0	0	0	0	0	7
31.0 - Equipment	0	126	0	0	0	0	0	126
Total Program Change Requests	10	1,876	0	0	0	0	10	1,876

Summary of Requirements by Object Class

Civil Division
Salaries and Expenses
(Dollars in Thousands)

K. Summ. of Requirements by Object Class

Object Class	FY 2016 Actual		FY 2017 Continuing Resolution		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	1,045	139,105	1,045	139,495	988	137,802	-57	-693
11.3 - Other than full-time permanent	149	13,338	144	13,266	142	13,210	-2	-56
11.5 - Other personnel compensation	[2]	540	[3]	3,487	[3]	3,487	0	0
<i>Overtime</i>	[2]	158	[3]	158	[3]	158	0	0
<i>Other Compensation</i>	0	382	0	3,329	0	3,329	0	0
11.8 - Special personal services payments	0	0	0	0	0	0	0	0
Total	1,194	152,983	1,189	155,248	1,130	154,499	-59	-749
Other Object Classes								
12.1 - Civilian personnel benefits		47,060		47,193		48,452	0	1,259
21.0 - Travel and transportation of persons		3,210		3,230		3,283	0	53
22.0 - Transportation of things		686		680		687	0	7
23.1 - Rental payments to GSA		33,494		34,239		34,239	0	0
23.2 - Rental payments to others		544		553		553	0	0
23.3 - Communications, utilities, and miscellaneous charges		4,449		4,505		4,554	0	49
24.0 - Printing and reproduction		940		893		902	0	9
25.1 - Advisory and assistance services		1,755		1,800		1,800	0	0
25.2 - Other services from non-federal sources		33,003		33,564		32,768	0	-796
25.3 - Other goods and services from federal sources		8,194		8,477		8,587	0	110
25.4 - Operation and maintenance of facilities		3,109		4		4	0	0
25.6 - Medical care		121		120		121	0	1
25.7 - Operation and maintenance of equipment		13		13		13	0	0
26.0 - Supplies and materials		747		730		737	0	7
31.0 - Equipment		452		425		551	0	126
42.0 - Insurance claims and indemnities		1		0		0	0	0
Total Obligations		290,755		291,574		291,750	0	76
Net of:								
Unobligated Balance, Start-of-Year		-330		-16		0	0	16
Transfers/Reprogramming		0		0		0	0	0
Recoveries/Refunds		-456		0		0	0	0
Balance Rescission		0		0		0	0	0
Unobligated End-of-Year, Available		16		0		0	0	0
Unobligated End-of-Year, Expiring		2,229		0		0	0	0
Total Direct Requirements		292,214		291,658		291,750	0	92
Reimbursable FTE	182		237		237		0	0
Full-Time Permanent								

U.S. Department of Justice

Environment and Natural Resources Division



ENRD



ENRD

FY 2018

PERFORMANCE BUDGET
CONGRESSIONAL JUSTIFICATION

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Cover photo of Red Rock Lakes (Montana) National Wildlife Refuge from the Fish and Wildlife Service Digital Image Library

<http://digitalmedia.fws.gov/cdm/landingpage/collection/natdiglib>

Text boxes are from the ENRD publication ENRD Public Lands and National Treasures: The First 100 Years of the Environment and Natural Resources Division 1909-2009

I. Overview of the Environment and Natural Resources Division

A. Introduction:

Environment and Natural Resources Division (ENRD) Mission: The Environment and Natural Resources Division is a core litigating component of the U.S. Department of Justice. Founded more than a century ago, it has built a distinguished record of legal excellence. The Division functions as the Nation’s environmental and natural resources lawyer, representing virtually every federal agency in the United States, and its territories and possessions, in civil and criminal cases that arise under more than 150 federal statutes. Key client agencies of the Division include the U.S. Environmental Protection Agency (EPA), the U.S. Department of the Interior, the U.S. Army Corps of Engineers, the U.S. Department of Commerce, the U.S. Department of Agriculture, the U.S. Department of Homeland Security, the U.S. Department of Energy and the U.S. Department of Defense, among others. The Division’s litigation docket is comprised of nearly 7,000 active cases and matters.

The Division will play a key role in supporting and defending federal agencies in the implementation of several Executive Orders and Presidential memoranda, including:

- Presidential Memorandum Regarding Construction of the Keystone XL Pipeline (Jan. 24, 2017).
- Presidential Memorandum Regarding Construction of the Dakota Access Pipeline (Jan. 24, 2017).
- Executive Order on Border Security and Immigration Enforcement Provisions (Jan. 25, 2017).
- Executive Order on Enforcing Federal Law With Respect to Transnational Criminal Organizations and Preventing International Trafficking (Feb. 9, 2017).
- Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the U.S.” Rule (Feb. 28, 2017)
- Executive Order on Promoting Energy Independence and Economic Growth (March 28, 2017)

Of particular note, the Division is intimately engaged in, and principally responsible for, acquiring real property to secure the border between the United States and Mexico, in conjunction with the President’s January 25, 2017 Executive Order on Border Security and Immigration Enforcement Improvements. The Executive Order calls upon the Executive Branch to “immediately plan, design and construct” a “physical wall” or “barrier” along the border between Mexico and the United States (EO Sec. 4), establish “detention facilities” (EO Sec. 5), “hire 5,000 additional Border Patrol agents” (EO Sec. 8), and “have access to all Federal Lands” (EO Sec. 12).

In addition, President Trump has committed to “refocus[ing] the EPA on its essential mission of protecting our air and water,” emphasizing that “[p]rotecting clean air and clean water, conserving our natural habitats, and preserving our natural reserves and resources will remain a high priority,” while recognizing that the nation has been “held back by burdensome regulations

on our energy industry.”¹ The Division’s environmental and natural resources litigation will assist EPA in delivering on the President’s commitment to clean air and clean water.

Congress created the position of Attorney General in 1789, but until 1870, the Attorney General was supported by no cabinet department. In 1870, Congress established the Department of Justice together with the Office of Solicitor General. U.S. Attorneys, who since the Judiciary Act of 1789 had functioned independently of the Attorney General as chief prosecutors in federal judicial districts, were directed to report to the Attorney General. Certain attorneys at other federal agencies were also instructed to report to the Attorney General. The new department was authorized to hire two Assistant Attorneys General and clerical help.

The Environment and Natural Resources Division is organized into seven core litigating sections (Environmental Crimes; Environmental Defense; Environmental Enforcement; Indian Resources; Land Acquisition; Natural Resources; and Wildlife and Marine Resources), an Appellate Section, a Law and Policy Section, and an Executive Office that provides administrative and operational support. ENRD currently has a staff of about 635 employees, approximately 440 of whom are attorneys.

The Division is guided by its core mission and goals, which include:

- Enforcing the nation’s bedrock environmental laws that protect air, land, and water for all Americans;
- Vigorously representing the United States in federal trial and appellate courts, including by defending EPA’s rulemaking authority and effectively advancing other agencies’ missions and priorities;
- Providing effective stewardship of the nation’s public lands, natural resources and animals, including fighting for the survival of the world’s most protected and iconic species and marine resources, and working across the government and the globe to end the illegal trade in wildlife.

To effectively carry out its important mission **in FY 2018, ENRD is requesting a total of \$115,598,000 including 537 positions (385 attorneys), and 527 Full-Time Equivalents (FTE).** ENRD also has 115 reimbursable FTE.

Every day, the Division works with client agencies, U.S. Attorneys’ Offices, and state, local and tribal governments, to enforce federal environmental, natural resources, and wildlife laws. It also defends federal agency actions and Administration policies when they are challenged in the courts, working to keep the Nation’s air, water and land free of pollution, advancing military preparedness and national security, promoting the nation’s energy independence, and supporting other important missions of our agency clients. The Division also acquires land for purposes ranging from national parks to national security, protects tribal lands and natural resources, and works to fulfill the United States’ trust obligations to Indian tribes and their members.

Over the past few years, we have taken deliberate steps to reduce costs and limit resource expenditures. We take our role as responsible custodians of the public fisc very seriously; and

¹ <https://www.whitehouse.gov/america-first-energy>

we are proud of the short and long-term cost saving measures and efficiencies we have implemented over the past few years.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

B. Issues, Outcomes, and Strategies:

The Division initiates and pursues legal action to enforce federal pollution abatement laws and obtain compliance with environmental protection and conservation statutes. ENRD also represents the United States in all matters concerning protection, use, and development of the nation's natural resources and public lands. The Division defends suits challenging all of the foregoing laws, and fulfills the federal government's responsibility to litigate on behalf of Indian tribes and individual Indians. ENRD's legal efforts protect the federal fisc, reduce harmful discharges into the air, water, and land, enable clean-up of contaminated waste sites, and ensure proper disposal of solid and hazardous waste.

In affirmative litigation, ENRD obtains redress for past violations harming the environment, ensures that violators of criminal statutes are appropriately punished, establishes credible deterrents against future violations of these laws, recoups federal funds spent to abate environmental contamination, and obtains money to restore or replace natural resources damaged by oil spills or the release of other hazardous substances into the environment. ENRD also ensures that the federal government receives appropriate royalties and income from activities on public lands and waters.

By prosecuting those who commit environmental crimes, ENRD spurs greater compliance with the law. Additionally, the Division obtains penalties and fines against violators, thereby removing the economic benefits of non-compliance and leveling the playing field so that companies complying with environmental laws do not suffer competitive disadvantages.

In defensive litigation, ENRD represents the United States in challenges to federal environmental and conservation programs and all matters concerning the protection, use, and development of the nation's public lands and natural resources. ENRD faces a growing workload in a wide variety of natural resource areas, including litigation over water quality and watersheds, the management of public lands and natural resources, endangered species and critical habitat, and land acquisition and exchanges. The Division is increasingly called upon to defend Department of Defense training and operations necessary for military readiness and national defense.

C. Performance Challenges:

External Challenges

The Division has limited control over the filing of defensive cases, which make up over half of our workload. Court schedules and deadlines drive the pace of work and attorney time devoted

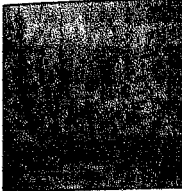
to these cases. ENRD's defensive caseload is expected to continue to increase in FY 2017 and FY 2018 as a result of numerous external factors.

- ENRD supports the defense and security missions of the Department of Defense and the Department of Homeland Security. From defending environmental challenges to critical training programs that ensure military preparedness, to acquiring strategic lands needed to fulfill the government's military and homeland security missions, ENRD makes a unique and important contribution to defense and national security while ensuring compliance with the country's environmental laws. The Division expects its **Military Readiness Docket** – to include litigation to defend training missions and strategic initiatives, expand military infrastructure, and defend chemical weapons demilitarization – to continue into FY 2017 and FY 2018.
- The Division faces a huge influx of litigation under a 19th Century federal statute, commonly known as "**R.S. 2477**," which "recognized" the "right of way for the construction of highways over public lands, not reserved for public uses." The largest component of this docket is defensive litigation under the Quiet Title Act, 28 U.S.C. § 2409a, in which ENRD defends the federal government against claims, mostly by western states and counties, to R.S. 2477 rights-of-way on lands owned by the United States and managed by federal agencies. Since 2011, our R.S. 2477 case load has grown from 12 cases covering 114 roads, to more than 45 cases – most of which are in Utah, but also involve lands in Alaska, California, Idaho, Nevada, New Mexico, North Dakota, and Washington – covering over 12,000 roads. This caseload involves extensive discovery, 'ancient' historical facts, significant motion practice, and *de novo* trials.
- **Flooding Takings Litigation:** The Division is currently defending a large number of suits brought by property owners who contend that actions by the United States have caused flooding of their properties for which they are entitled to just compensation under the Fifth Amendment including a 30,000 member putative class action seeking \$50 billion due to flooding in the aftermath of Hurricane Katrina, and four putative class actions involving thousands of landowners along the Mississippi and Missouri whose properties were flooded in 2011 and seek billions of dollars in compensation. The cases are tremendously complex, requiring extensive use of expert witnesses to determine the cause, extent and damages resulting from such flooding.
- The Division currently represents the United States or the Departments of the Interior and of the Treasury in 19 pending **Tribal Trust** cases in various federal district courts and the United States Court of Federal Claims, in which cases 21 tribes or Indian plaintiffs demand "full and complete" historical trust accountings and damages for financial injury resulting from the government's alleged mismanagement of the plaintiffs' trust funds and non-monetary assets. The plaintiffs' damage claims exceed \$5 billion. Over the course of the next year, the Division faces trial in up to four cases. These cases will require substantial resources in order to conduct or complete extensive fact and expert discovery related to claims for alleged mismanagement of not only numerous tribal trust or individual Indian money accounts but also extensive non-

monetary tribal trust resources between 1946 and the present. The damages sought by the plaintiffs in the cases going to trial exceed \$5 billion.

- The Division continues to deal with a dramatic expansion of its **Rails-to-Trails litigation**, in which property owners along railroad corridors allege a taking of their property interests in violation of the Fifth Amendment as a result of the operation of the National Trails System Act (“Trails Act”). The courts have held that the Trails Act preempts the operation of state law that would otherwise allow a railroad to abandon a rail line, and results in the conversion of the railroad line into thousands of miles of recreational trails throughout the United States, which are also “railbanked” for possible future railroad reactivation. The Division presently defends over 100 such suits, involving many thousands of properties, with estimated aggregate claims in the hundreds of millions of dollars. These cases present considerable legal challenges, as recent court precedent has been generally unfavorable to the United States. These cases also present considerable resource challenges, since each property conveyance and each property valuation must be individually analyzed. The number of hours the Division devotes to these cases has more than tripled in the past few years and the portion of the Division’s expert witness funds being applied to these cases has increased several-fold. Given the complexity of the cases and the ongoing conversions of railroad corridors into recreational trails, we expect to see a continued increase of this litigation for many years to come.
- The Division also handles several types of litigation over water allocation, including water rights litigation on behalf of every federal agency with water-dependent facilities, programs, or land management responsibilities. In the coming year, ENRD anticipates increasing demands on resources from a growing load of water rights cases. In particular, we expect growth in the litigation of voluminous proceedings known as “general stream adjudications,” in which courts – mostly state courts in the western United States – adjudicate the rights of all the water users in a river basin. The Division’s staff within the Natural Resources Section dedicated to general stream adjudications across the West is generally smaller than the staff employed by each of the western states alone, and these cases – which often involve thousands of parties, tens of thousands of claims and objections, and take decades for discovery, pretrial litigation and trial – already place significant demands on our section resources.

The Division is also deeply engaged in a number of continuing and prospective affirmative cases and matters, including “defeat device” Clean Air Act cases, such as the one against Volkswagen, and Clean Water Act cases against municipalities. These cases are discussed in the Accomplishments section below.



Water rights cases are a focus to this day. By 1900, the platforms of both major political parties supported federal projects to "reclaim" arid lands for agricultural use. The Reclamation Act of 1902 established the Reclamation Service to study irrigation proposals in the federal lands of 16 states, and by 1909, about 30 such projects were underway. In 1908, the Supreme Court held that agreements and treaties establishing Indian reservations contained an implied reserved right to the amount of river water necessary to support the reservation. Adjudication of water resources became a critical and controversial issue as the development of the West accelerated.

Internal Challenges

With the introduction of new technologies and new requirements in the legal industry – such as e-filing, on-line document repositories, electronic trials, extranet docketing systems, and electronic discovery – we are in constant need of ensuring our workforce has the expertise and access to software, hardware and systems to keep pace. ENRD continues to refresh aging hardware, develop and implement required tracking systems, and comply with Federal IT security mandates.

D. Achieving Cost Savings and Efficiencies

The Division has demonstrated a commitment to achieve cost savings and has attained impressive measurable results. In the area of litigation support, ENRD has been innovative and forward-thinking with its cost-effective, in-house litigation support computer lab, which provides a wide range of services, such as scanning, OCR-processing, e-Discovery/data processing, email threading, and database creation and Web hosting. In FY 2016, the Division recognized savings of over \$21 million, compared to what the in-house services provided would have cost if outsourced to a contractor/vendor.

As a leader in employing technological solutions, ENRD continues to implement cost-effective alternatives such as videoconferencing and web-based applications for meetings. We continue to push the use of on-line travel reservations, as opposed to using agent assisted booking services, leading to additional cost savings.

II. Summary of Program Changes

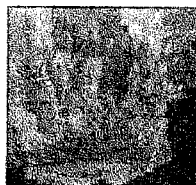
As described in greater detail in Section V below, ENRD is requesting \$1,798,000, including 12 attorney positions and 10 FTEs, to support the President's January 25, 2017, Executive Order on *Border Security and Immigration Enforcement Improvements*. To fulfill the requirements of the Executive Order, ENRD's Land Acquisition Section is charged with the acquisition of land (along with developing associated title and appraisal work) in connection with the border wall; and the Division's Natural Resources Section and Wildlife and Marine Resources Section are tasked with addressing challenges under a host of environmental, procedural and inverse takings statutes (i.e., Endangered Species Act (ESA), National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and Tucker Act).

Initiative	Description				Page
		Pos.	FTE	Dollars (\$000)	
Border Security Improvements	Land Acquisition – Southern Border Wall	20	10	\$1,798	34

IV. Decision Unit Justification

Environment and Natural Resources Division -	Direct Pos.	Estimate FTE	Amount
2016 Enacted	537	542	110,512
2017 Continuing Resolution	537	526	110,302
Adjustments to Base and Technical Adjustments	-20	-9	3,498
2018 Current Services	517	517	113,800
2018 Program Increases	20	10	1,798
2018 Request	537	527	115,598
Total Change 2017-2018	0	1	5,296

Information Technology Breakout (of Decision Unit Total)	Direct Pos.	Estimate FTE	Amount
2016 Enacted	18	18	7,756
2017 Continuing Resolution	18	18	5,268
Adjustments to Base and Technical Adjustments	0	0	8
2018 Current Services	18	18	5,276
2018 Program Increases	0	0	0
2018 Program Offsets	0	0	0
2018 Request	18	18	5,499
Total Change 2017-2018	0	0	223



Over time, each agency had its own corps of attorneys. For example, the Department of the Interior's General Land Office, Indian Bureau, and Reclamation Bureau, and the Agriculture Department's Bureau of Forestry each had its own law division that litigated in federal courts. The need to "properly attend to the enormous and increasing volume of business relating to the public lands of the United States, and of Indian affairs," led Attorney General George Wickersham (1909-1913) to establish "The Public Lands Division" by order dated November 16, 1909.

1. Program Description

As described above, ENRD works to:

- Pursue cases against those who violate the nation's environmental and natural resources laws;

- Investigate and prosecute environmental crimes, including both pollution and wildlife violations;
- Defend against suits challenging federal statutes, regulations, and agency actions;
- Develop constructive partnerships with other federal agencies, state and local governments, and interested parties to maximize environmental compliance and stewardship of natural resources;
- Act in accordance with United States trust responsibilities to Indian tribes and individual Indians in litigation involving the interests of Indians. The United States holds close to 60 million acres of land and associated natural resources in trust for tribes and has a duty to litigate to protect this land and resources.

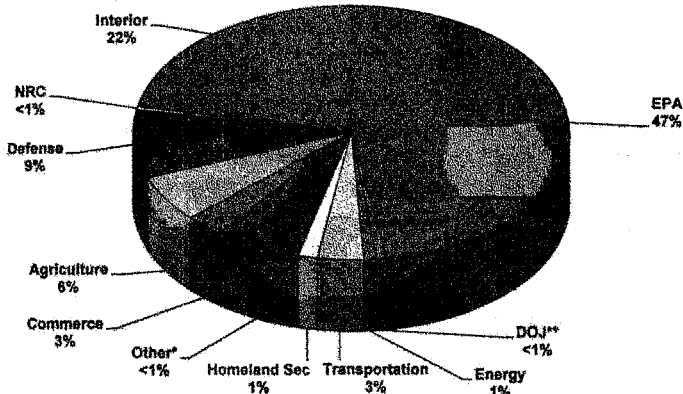
A brief description of ENRD's organizational units is provided below:

- The **Appellate Section** handles appeals in all cases tried in the lower courts by any of the sections within the Division; it also oversees or handles directly appeals in cases within the Division's jurisdiction that were tried in the lower courts by U.S. Attorneys' Offices. The Section works closely with Justice's Office of the Solicitor General in appeal recommendations and developing Supreme Court filings.
- The **Environmental Crimes Section** is responsible for prosecuting individuals and corporations that have violated laws designed to protect the environment and wildlife. The Section works closely with criminal investigators for EPA, the FBI, and the Fish and Wildlife Service in dealing with criminal violations of the pollution control statutes, the Lacey Act, the Endangered Species, and other laws.
- The **Environmental Defense Section** represents the United States in complex civil litigation arising under a broad range of environmental statutes. The section defends rules and policies issued by federal agencies under the pollution control laws, brings enforcement actions against those who destroy wetlands in violation of the Clean Water Act, and defends the United States against challenges to its cleanup at Superfund sites, federally owned facilities and private sites.
- The **Environmental Enforcement Section** is responsible for bringing civil judicial actions under most federal laws enacted to protect public health and the environment from the adverse effects of pollution, such as the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Oil Pollution Act, the Resource Conservation and Recovery Act, and the Superfund law.
- The **Indian Resources Section** represents the United States in its trust capacity for Indian tribes and their members. These suits include establishing water rights, establishing and protecting hunting and fishing rights, collecting damages for trespass on Indian lands, and establishing reservation boundaries and rights to land. The Section also

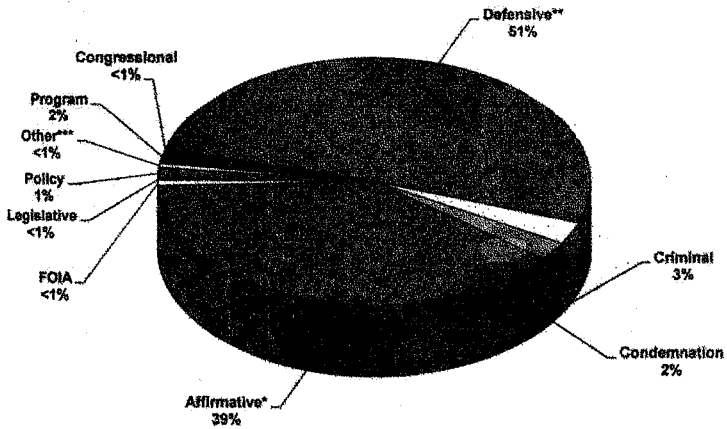
devotes approximately half of its efforts toward defending federal statutes, programs, and decisions intended to benefit individual Indians and tribes.

- The **Land Acquisition Section** is responsible for acquiring land through condemnation proceedings, for use by the federal government for purposes ranging from establishing public parks to creating missile sites. The Land Acquisition Section is also responsible for reviewing and approving title to lands acquired by direct purchase for the same purposes.
- The **Law and Policy Section** advises and aids the Assistant Attorney General on environmental legal, legislative, and policy questions, particularly those that affect multiple sections in the Division. Other duties include responding to Freedom of Information Act (FOIA) requests and serving as the Division's ethics officer and counselor, alternative dispute resolution counselor, and liaison with state and local governments. Attorneys in the Section also handle amicus cases and undertake other special litigation projects.
- The **Natural Resources Section** is responsible for defending agency decisions related to natural resources; vital national security programs and border protection; Fifth Amendment takings; challenges brought by Indian tribes relating to the United States' trust responsibility; cultural resource matters; preserving federal water rights; and Supreme Court original actions.
- The **Wildlife and Marine Resources Section** handles civil cases arising under the fish and wildlife conservation laws, including suits defending agency actions under the Endangered Species Act (ESA), the Marine Mammal Protection Act, and the Magnuson-Stevens Fishery Conservation and Management Act.
- The **Executive Office** provides management and administrative support to the Division, including financial management, human resources, automation, security, and litigation support. The Executive Office takes full advantage of cutting-edge technology to provide sophisticated automation facilities for its employees, in order to help the Division's attorneys continue to achieve exceptional litigation results for the United States.
- The **Office of the Assistant Attorney General** provides overall leadership and policy direction to the Division. The Office of the AAG includes the component head or acting component head, Deputy Assistant AAGs, and Counsel(s) to the AAG.

ENRD's Cases/Matters Pending by Client Agency (FY 2016)



ENRD's Cases/Matters Pending by Case Type (FY 2016)




Civil litigating activities include cases where ENRD defends the United States in a broad range of litigation and enforces the nation's environmental and natural resources laws. Nearly one-half

of the Division's cases are defensive or non-discretionary in nature. They include claims alleging noncompliance with federal, state and local pollution control and natural resources laws. Civil litigating activities also involve the defense and enforcement of environmental statutes such as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Clean Air Act (CAA), the Clean Water Act (CWA), the National Environmental Policy Act (NEPA), and the Endangered Species Act (ESA).

The Division defends Fifth Amendment takings claims brought against the United States alleging that federal actions have resulted in the taking of private property without payment of just compensation, thereby requiring the United States to strike a balance between the interests of property owners, the needs of society, and the public fisc. ENRD also brings eminent domain cases to acquire land for congressionally authorized purposes ranging from national defense to conservation and preservation. Furthermore, the Division assists in fulfillment of the United States trust responsibilities to Indian Tribes. ENRD is heavily involved in defending lawsuits alleging the United States has breached trust responsibilities to Tribes by mismanaging Tribal resources and failing to properly administer accounts that receive revenues from economic activity on Tribal lands. The effectiveness of our defensive litigation is measured by the percentage of cases successfully resolved and savings to the federal fisc.

Criminal litigating activities focus on identifying and prosecuting violators of laws protecting wildlife, the environment, and public health. These cases involve fraud in the environmental testing industry, smuggling of protected species, exploitation and abuse of marine resources through illegal commercial fishing, and related criminal activity. ENRD enforces criminal statutes that punish those who pollute the nation's air and water; illegally store, transport and dispose of hazardous wastes; illegally transport hazardous materials; unlawfully deal in ozone-depleting substances; and lie to officials to cover up illegal conduct. The effectiveness of criminal litigation is measured by the percentage of cases successfully resolved. ENRD's case outcome performance results are included in the Performance and Resources Table contained in this submission.

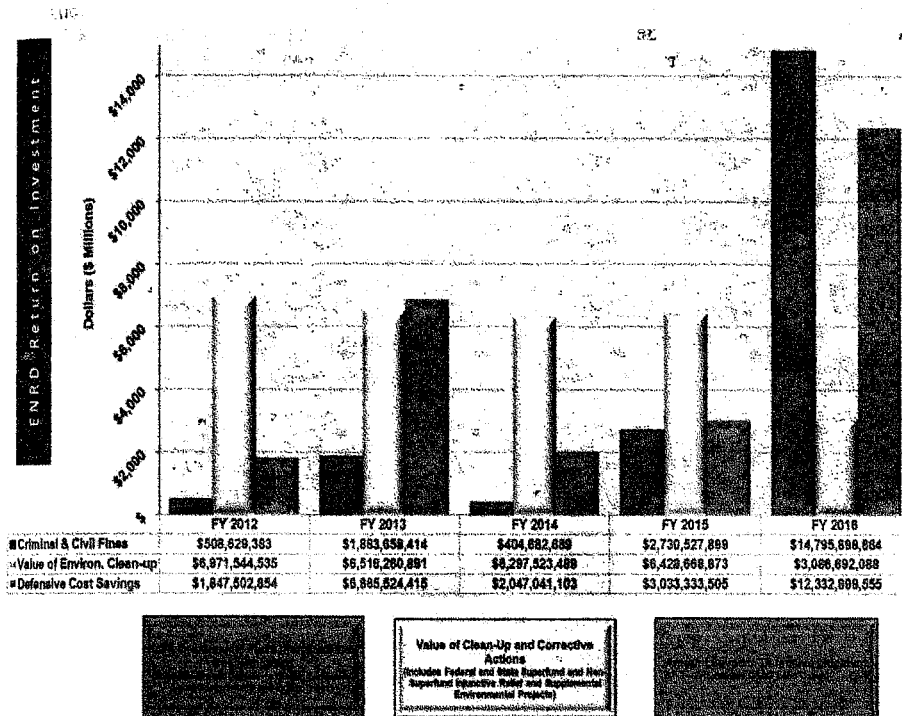


The new Division was responsible for "all suits and proceedings concerning the enforcement of the Public Land law, including suits or proceedings to set aside conveyances of allotted lands." The Division's six attorneys were responsible for all public land law (including water rights cases), both civil and criminal, and regardless of "whether the land be open to entry under the general land laws, or reserved for public purposes, or lands devoted to the uses of tribal or individual Indians, including actions to recover rents and royalties."

ACCOMPLISHMENTS

In FY 2016, ENRD successfully litigated 790 cases while working on a total of 6,972 cases, matters, and appeals. The Division recorded more than \$14 billion in civil and criminal fines, penalties, and costs recovered. The estimated value of federal injunctive relief (i.e., clean-up work and pollution prevention actions by private parties) obtained in FY 2016 exceeded \$3 billion. ENRD's defensive litigation efforts avoided costs (claims) of over \$12 billion in FY 2016. The Division achieved a favorable outcome in 95 percent of cases resolved in FY 2016.

In sum, ENRD continues to be a valuable investment of taxpayer dollars as the number of dollars returned to the Treasury exceeds ENRD's annual appropriation many times over.



Below are some recent notable successes from the Division's civil and criminal litigation dockets.

Civil Cases (Both Affirmative and Defensive)

In January 2016, ENRD, on behalf of the Environmental Protection Agency (EPA), filed a civil complaint in the Eastern District of Michigan against **Volkswagen AG, Audi AG, Volkswagen Group of America Inc., Volkswagen Group of America Chattanooga Operations LLC, Dr. Ing. h.c. F. Porsche AG and Porsche Cars North America Inc.** (collectively referred to as Volkswagen or VW). The complaint alleged that nearly 600,000 model year 2009-2016 2.0 and 3.0 liter diesel engine vehicles sold in the United States were equipped with illegal "defeat devices" that impaired their emission control systems during normal driving conditions and caused emissions to substantially exceed EPA's standards for nitrogen oxide (NOx.)

In 2006, when VW engineers realized that they could not design a diesel engine that would both meet stricter NOx emissions standards and attract sufficient customer demand in the U.S. market, they decided to use a software function to cheat on emissions tests. The software was designed

to recognize whether a vehicle was undergoing standard emissions testing on a dynamometer or was being driven on the road under normal driving conditions. If the vehicle's software detected that it was being tested, the vehicle performed in one mode, which satisfied U.S. emissions standards. If the software detected that the vehicle was not being tested, it operated in a different mode, in which the effectiveness of the vehicle's emissions control systems was reduced substantially, causing the vehicle to emit NOx up to 40 times higher than U.S. standards. VW installed the defeat device software into the vehicles imported and sold in the United States from model years 2009 through 2016.

When EPA and California regulators began questioning Volkswagen about substantial discrepancies in NOx emissions from certain VW vehicles when tested on the road compared to standard regulatory tests, the company provided testing results, data, presentations and statements in an attempt to make it appear that there were innocent mechanical and technological explanations for the discrepancies. Ultimately, the company admitted knowing that the primary reason for the discrepancy was the software that was installed in every VW diesel vehicle sold in the United States.

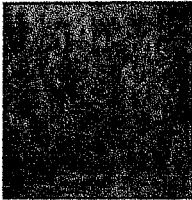
Volkswagen entered into three separate settlements in the civil litigation in which it agreed to fully address the polluting cars on the road, to pay Clean Air Act, financial, and Customs penalties, and to provide redress to vehicle owners and lessees.

- VW will offer consumers a buyback and lease termination for nearly 500,000 model year 2009-2015 2.0 liter diesel vehicles sold or leased in the U.S., and spend up to \$10.03 billion to compensate consumers under the program.² In addition, the company will fund \$2.7 billion in projects across the country that will reduce emissions of NOx where the 2.0 liter vehicles were, are or will be operated. These projects are intended to fully mitigate the past and future NOx emissions from the 2.0 liter vehicles.³
- VW will recall, modify, or buy back 83,000 model year 2009 through 2016 3.0 liter diesel vehicles sold or leased in the U.S. that are alleged to be equipped with "defeat devices." The settlement requires Volkswagen to pay \$225 million to fund projects across the country that will reduce emissions of NOx where the 3.0 liter vehicles were, are or will be operated. This funding is intended to fully mitigate the past and future NOx emissions from the 3.0 liter vehicles.
- VW will pay \$1.45 billion to resolve EPA's civil penalty claims, as well as the civil fraud claim of U.S. Customs and Border Protection (CBP) against VW entities that violated criminal and civil customs laws by knowingly submitting to CBP material false statements and omitting material information, over several

³ In addition, under a consent decree approved by a federal court in October 2016, VW is required to invest \$2 billion over ten years toward zero emission vehicle programs and initiatives, with \$1.2 billion directed toward a national investment plan subject to EPA approval, and \$800 million directed toward a California-specific investment plan subject to California Air Resources Board approval.

years, with the intent of deceiving or misleading CBP concerning the admissibility of vehicles into the United States.

- VW also agreed to pay \$50 million in civil penalties for alleged violations of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA). The Justice Department alleged that a VW entity supported the sales and leasing of certain VW vehicles, including the defeat-device vehicles, by offering competitive financing terms by purchasing from dealers certain automobile retail installment contracts (i.e. loans) and leases entered into by customers that purchased or leased certain VW vehicles, as well as dealer floorplan loans. These financing arrangements were primarily collateralized by the vehicles underlying the loan and lease transactions. The department alleged that certain of these loans, leases and floorplan financings were pooled together to create asset-backed securities and that federally insured financial institutions purchased certain notes in these securities.
- Finally, to resolve EPA's remaining claim in the complaint for injunctive relief to prevent future violations under the Clean Air Act, Volkswagen agreed to undertake a number of corporate governance reforms, employ a third party monitor to oversee its compliance with these obligations, and perform in-use testing of its vehicles using a portable emissions measurement system of the same type used to catch VW's cheating in the first place.



In the Division's first years, it focused on cases involving set-asides of water resources for irrigation and reclamation, Indian water rights, unlawful incursions into national forests by power companies, unlawful enclosure of federal land, invalidation of patents granted to railroads for western land known to hold minerals, and reversal of land grants to the Territory of New Mexico. The restoration of federal land deemed to have been acquired fraudulently by private parties was an immediate priority for the Public Lands Division. The Supreme Court affirmed that railroad land grants permitted only a surface right of way and not any extraction of minerals from that land.

• *Deepwater Horizon Oil Spill*

On April 4, 2016, a federal court in New Orleans entered a consent decree resolving civil claims against BP arising from the April 20, 2010 Macondo well blowout and the massive oil spill that followed in the Gulf of Mexico. This historic settlement resolves the U.S. government's civil penalty claims under the Clean Water Act, the governments' claims for natural resources damages under the Oil Pollution Act, and also implements a related settlement of economic damage claims of the Gulf States and local governments. Taken together this resolution of civil claims is worth more than \$20 billion and is the largest settlement with a single entity in the history of federal law enforcement.

Under the Consent Decree BP will pay a Clean Water Act civil penalty of \$5.5 billion (plus interest), \$8.1 billion in natural resource damages (this includes \$1 billion BP already committed to pay for early restoration), up to an additional \$700 million (some of which is in the form of accrued interest) for adaptive management or to address injuries to natural resources that are

presently unknown but may come to light in the future, and \$600 million for other claims, including claims under the False Claims Act, royalties, and reimbursement of natural resource damage assessment costs and other expenses due to this incident. This settlement includes both the largest civil penalty ever paid by any defendant under any environmental statute, and the largest recovery of damages for injuries to natural resources.

Under the economic damages settlement noted above, BP will pay \$4.9 billion to the Gulf States in a parallel settlement that resolves their economic damage claims arising from this incident. In other, related agreements, BP also will pay up to another \$1 billion to resolve similar claims the company faces from various local governments in the Gulf region.

Consistent with the Consent Decree, on February 19, 2016, a Trustee Council made up of four federal agencies and trustees from all five Gulf States issued a Final Programmatic Damage Assessment and Restoration Plan and Programmatic Environmental Impact Statement detailing a specific proposed plan to fund and implement restoration projects across the Gulf region. On March 22, 2016, the Trustees entered a Record of Decision related to this plan. Now that the Consent Decree has been finalized, the Trustees can continue the important work of restoring spill-injured natural resources and the services they provide.

In prior years, some of the parties accountable under federal law for this disaster have resolved claims with the United States for portions of that responsibility:

- In 2012, MOEX Offshore 2007 LLC, which had a 10 percent stake in the well, agreed to settle its liability for the Deepwater Horizon oil spill in a settlement with the United States valued at \$90 million. Approximately \$45 million of the \$90 million settlement was dedicated to directly benefit the Gulf in the form of penalties, as well as coastal and habitat protection projects.
- In 2013, Transocean, which owned and operated the Deepwater Horizon, paid a penalty of \$1 billion plus interest to resolve their civil liability under the Clean Water Act and also agreed to implement comprehensive changes in how they operate their drilling vessels in the Gulf of Mexico. At the same time, Transocean resolved its criminal liability for the spill through a \$400 million plea agreement with the Department's Deepwater Horizon Task Force; that agreement included a criminal fine and remedial payments that should further both Gulf restoration and research on measures to make drilling safer both in the Gulf and around the world.
- In 2013, BP Exploration and Production, the majority owner of and an operator of the Macondo Well, pleaded guilty to illegal conduct leading to and after the disaster. It resolved Clean Water Act violations and felony manslaughter charges through a \$4 billion plea agreement comprised of criminal fines, penalties, and restitution including \$2.4 billion in remedial payments that, like Transocean companies' payments, should further both Gulf restoration and research measures relating to drilling.
- In 2015, the district court completed trial of the U.S. claim for civil penalty against Anadarko, a company that owned 25% of the Macondo well but that did not operate, as a

legal matter, either the Deepwater Horizon or the well. After considering evidence under the law applicable to such a penalty assessment, the District Court imposed a penalty of \$159.5 million.

The Division's increased land acquisition efforts of the New Deal were expanded further during World War II. The Lands Division oversaw the acquisition of more than 20 million acres of land – an area approximately the size of Massachusetts, Connecticut, Rhode Island, Delaware, and most of New Jersey. The land was used for airports, naval stations, fleet bases, bombing fields, proving grounds, and other national defense installations. The average time to acquire land, from receipt of the agency request to obtaining possession, was reported to be just over four days. The Division was involved in the acquisition of sites used for the Los Alamos Laboratory in New Mexico and the Oak Ridge Laboratory in Tennessee, integral to the highly-classified Manhattan Project.

- ***Tribal Trust Cases***

The extraordinarily complex and multifaceted Tribal Trust cases command a large portion of ENRD's time and resources. The Division represents the United States, principally the Interior and Treasury Departments, in 19 pending cases in which 21 tribes or Indian plaintiffs demand "full and complete" historical trust accountings, monetary compensation for various breaches and mismanagement of trust, and trust reform measures relating to the United States' management of the plaintiffs' trust funds and trust lands, as well as the non-monetary resources (such as timber, oil, gas, coal, agricultural, range, easements, and rights of way) on those lands. Several of the pending cases are in settlement negotiations, while others are in varying stages of trial preparation; others are conducting trial preparation and settlement discussions simultaneously. The Division has enjoyed success since Fiscal Year 2002 by negotiating and reaching settlements with 107 tribes in 74 cases, while also conducting active litigation, including several full-blown trials, in numerous cases. It has done so by balancing its duties to defend client programs with a commitment to make whole any tribe or Indian plaintiff that has suffered financial injury as a result of any trust fund or trust resource management practices.

- ***Enforcement of the Clean Water Act Through Publicly Owned Sewer Cases***

Under two settlements with the Department of Justice and the U.S. Environmental Protection Agency (EPA), three Puerto Rico government agencies agreed to upgrade portions of storm water systems they own within the Municipality of San Juan. These upgrades, which will be performed by the Department of Natural and Environmental Resources, the Department of Transportation and Public Works from the Commonwealth of Puerto Rico and the Puerto Rico Highways and Transportation Authority, are aimed at eliminating or minimizing future discharges of sewage and other pollutants into water bodies in and around San Juan, including the Condado Lagoon, the Martin Peña Channel and the Atlantic Ocean. The EPA estimates that over 6 million gallons of untreated sewage is being discharged into waterways in and around San Juan every day which amounts to more than 2.2 billion gallons discharged annually.

Stormwater runoff in San Juan is collected through separate municipal storm sewer systems and is discharged into local waterways. When rain falls on roofs, streets and parking lots, the water cannot soak into the ground and carries trash, bacteria, heavy metals and other pollutants into streams, threatening public health. In addition, property and infrastructure can be damaged by

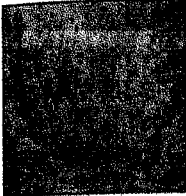
storm water runoff due to erosion. Sanitary sewer lines or industrial discharges can also be illegally connected to the storm sewer, leading to untreated sewage or other pollutants reaching water bodies.

Between 2005 and 2013, the EPA documented that the Puerto Rico agencies were discharging untreated sewage and other pollutants from their storm sewer systems into water bodies, in violation of the Clean Water Act. The waters receiving the untreated sewage include those that are classified for activities where people may come into contact with the water, such as fishing, boating, swimming, wading and/or other recreational and commercial activities. Untreated sewage can carry bacteria, viruses and other harmful pollutants that can cause a number of illnesses. Direct and indirect human exposure to or contact with untreated sewage and contaminated waters discharged on a daily basis presents an imminent and substantial endangerment to human health and welfare.

The EPA waived the collection of any monetary civil penalties due to financial challenges currently facing the Puerto Rico government; however, the agreements will include financial penalties if the agencies fail to complete the work and meet the deadlines.

In the complaint filed in 2014, the EPA alleged that the Puerto Rico Department of Natural and Environmental Resources was discharging pollutants without a permit from its Baldorioty de Castro, De Diego and Stop 18 stormwater pump stations. These three pump stations were designed to control flooding in the San Juan area by pumping large volumes of storm water into receiving waters. These three Department of Natural and Environmental Resources pump stations have been receiving flow from various sources which contain untreated sewage. The agreement with the Department of Natural and Environmental Resources requires it to invest an estimated \$33 million to upgrade its system over the life of the settlement, including:

- Obtain a proper permit and implement a Storm Water Management Program.
- Install, inspect, maintain, monitor and replace warning signs at all pump station outfalls and replace booms at all pump stations.
- Upgrade the Baldorioty de Castro Pump Station and install electronic monitoring equipment and lighting fixtures at pump station wet wells.
- Routinely clean and maintain its pump stations and develop methods for sludge sampling, disposal and water level management.
- Develop a Spill Prevention Control and Countermeasures Plan.
- Pay \$650,000 each year into a Court Registry Account to be used by the Municipality of San Juan, Department of Transportation and Public Works and the Highways and Transportation Authority to support the implementation of work plans for work in the collection systems that flow to DNER's three pump stations.



During the Korean Conflict in the early 1950's, there was a proliferation of a new type of land condemnation case, whose purpose was to clear airspace adjacent to newly constructed military airports. The acquisition of an estate in land to ensure adequate clearance for the lower approach and takeoff patterns of modern aircraft, called an aviation easement, required evaluation and compensation for significant tracts of privately owned land. Because air traffic involves a broad range of impediments to private activity, assessment of compensation for this type of estate proved more complex than for conventional estates acquired by land condemnation. Similar problems arose at new missile sites.

- ***Clean Air Act Litigation***

ENRD and EPA reached a settlement with the J.R. Simplot Company that resolves alleged Clean Air Act violations related to modifications made at Simplot's five sulfuric acid plants near Lathrop, California, Pocatello, Idaho, and Rock Springs, Wyoming. Under the settlement, Simplot will spend an estimated \$42 million on pollution controls that will significantly cut sulfur dioxide (SO₂) emissions at all five plants and fund a wood stove replacement project in the area surrounding the Lathrop plant. Simplot's Pocatello plant will receive \$15 million in pollution control upgrades.

Once fully implemented, the settlement will reduce SO₂ emissions from Simplot's five sulfuric acid plants by more than 50 percent for approximately 2,540 tons per year of reductions. Simplot will implement a plan to monitor SO₂ emissions continuously at all five plants and pay an \$899,000 civil penalty. Additionally, Simplot will spend \$200,000 on a wood stove replacement mitigation project in the San Joaquin Valley, the location of Simplot's Lathrop facility, to reduce emissions of fine particulate matter (PM_{2.5}), as well as emissions of volatile organic compounds (VOCs), carbon monoxide (CO) and hazardous air pollutants (HAPs).

The Department of Justice and EPA alleged that Simplot made modifications at its five sulfuric acid plants without applying for or obtaining the necessary Clean Air Act permits and obtaining "best available control technology" limits for SO₂, as well as for sulfuric acid mist and PM_{2.5} at one of the sulfuric acid plants in Pocatello.

Short-term exposures to SO₂ can lead to serious respiratory problems, including constriction of airways in the lungs and increased asthma symptoms. Additionally, SO₂ is a precursor to the formation of PM_{2.5}, which causes a wide variety of health and environmental impacts, including asthma attacks, reduced lung function and aggravation of existing heart disease. Simplot's Lathrop sulfuric acid plant is located in the San Joaquin Valley in California, which is currently classified as nonattainment for the PM_{2.5} National Ambient Air Quality Standards and has some of the most difficult challenges meeting those standards in the country. Both the SO₂ emission reductions from Simplot's Lathrop plant and the wood stove replacement mitigation project will help reduce PM_{2.5} emissions in the San Joaquin Valley.

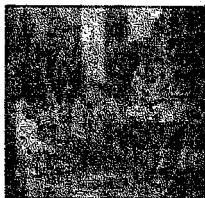
- ***Oil Spill Remediation***

In a federal-state coordinated enforcement effort against oil spills in and around the Gulf of Mexico, ORB Exploration LLC (ORB) has agreed to pay civil penalties and state response costs and to implement corrective measures to resolve alleged violations of the Clean Water Act and

state environmental laws stemming from three crude oil spills that occurred in 2013 and 2015, as well as violations of Spill Prevention, Control and Countermeasure (SPCC) regulations. ORB agreed to pay \$615,000 in federal civil penalties for the spills and other Clean Water Act violations, pay the Louisiana Department of Environmental Quality (LDEQ) \$100,000 for civil penalties and response costs and carry out injunctive relief measures to improve spill response preparedness and prevent future oil spills.

ORB is alleged to have spilled over 1,000 barrels of Louisiana crude oil into the Atchafalaya River Basin during the three spills. The largest occurred at Frog Lake in 2013, after a corroded oil transfer pipeline ruptured in a flooded wetland area. The cleanup took over a year and a half and required significant state-federal cooperation. The other two releases occurred in September and October of 2015, from ORB's Frog Lake and Crocodile Bayou oil production facilities into bayou waters surrounding the facilities.

ORB is required to take corrective measures, including improving secondary containment capability at the Frog Lake facility, increasing the frequency of facility inspections and monitoring for oil spills, providing additional advance notice to the USCG before any future oil transfer operation and installation of accurate gauges on production and transfer equipment to allow for and improve accountability and spill detection capabilities.



The Federal Aid Highway Act of 1956 allowed the Department of Commerce to acquire lands required for interstate highway projects in situations where a state could not gain access to the required land in a timely manner. As a result, private parties brought, and the Lands Division defended, litigation contesting the federal government's right to condemn land on behalf of state interests and its interpretation of the phrase "in a timely manner." By the 1960s, expenditures and time spent by the Lands Division on acquisition of land for various purposes had increased, as the Federal Highway Act required parcels throughout the United States and new federal office buildings required expensive urban property.

Criminal Cases

- *Volkswagen Defeat Device Cases*

In the Department's case against Volkswagen AG (VW), on March 10, 2017, VW pleaded guilty in federal court to three felony counts charging: (1) conspiracy to defraud the United States, engage in wire fraud, and violate the Clean Air Act; (2) obstruction of justice; and (3) importation of merchandise by means of false statements. As part of the plea, VW agreed to pay a \$2.8 billion penalty as a result of the company's decade-long scheme to sell approximately 590,000 diesel vehicles containing software designed to cheat on U.S. emissions tests.

VW pleaded guilty, first, to participating in a conspiracy to defraud the United States and VW's U.S. customers and to violate the Clean Air Act by lying and misleading the EPA and U.S. customers about whether certain VW, Audi and Porsche branded diesel vehicles complied with emissions standards, using cheating software to circumvent the U.S. testing process and concealing material facts about its cheating from U.S. regulators. Second, VW pleaded guilty to obstruction of justice for destroying documents related to the scheme. And third, VW pleaded guilty to importing these cars into the United States by means of false statements about the

vehicles' compliance with emissions limits. Under the terms of the agreement, which must be accepted by the court, VW will be on probation for three years. The company will be overseen for at least three years by an independent corporate compliance monitor. VW will fully cooperate in the Justice Department's ongoing investigation and prosecution of individuals responsible for these crimes.

- ***Enforcing the Laws Against Wildlife Trafficking***

In 2016, Lumsden W. Quan, an art dealer from San Francisco, California, was sentenced to one year and two days in prison for conspiracy to violate the Lacey and Endangered Species Acts for knowingly selling black rhinoceros horns to an undercover agent from the United States Fish and Wildlife Service (USFWS). Quan was also sentenced to three years of supervised release to follow his prison sentence, pay a \$10,000 fine and a three-year ban on work in the art and antique business.

Quan, was arrested in March 2014 as part of "Operation Crash," a nation-wide crackdown in the illegal trafficking of rhinoceros horns, for his role in a conspiracy to knowingly sell black rhinoceros horns across state lines. In pleading guilty, Quan admitted to working with his co-defendant to transport two horns from California to Nevada, where they sold them to an undercover agent from Colorado for a sum of \$55,000.

Operation Crash is a continuing investigation being conducted by USFWS in coordination with other federal and local law enforcement agencies. A "crash" is the term for a herd of rhinoceros. Operation Crash is an ongoing effort to detect, deter and prosecute those engaged in the illegal killing of rhinoceros and the unlawful trafficking of rhinoceros horns. As of November 2015, the coordinated efforts of Operation Crash have prosecuted and sentenced nearly 22 subjects and received forfeiture and restitution amounts totaling \$5.5 million.

The black rhinoceros is an herbivore species of prehistoric origin and one of the largest remaining mega-fauna on earth. They have no known predators other than humans. All species of rhinoceros are protected under U.S. and international law, including the Endangered Species Act. Since 1976, trade in rhinoceros horn has been regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), a treaty signed by over 180 countries around the world to protect fish, wildlife and plants that are or may become imperiled due to the demands of international markets.

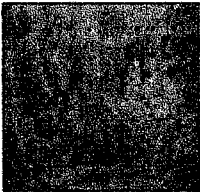
- ***Lacey Act Enforcement***

In the first felony conviction related to the import or use of illegal timber and the largest criminal fine ever under the Lacey Act, Lumber Liquidators pleaded guilty and was charged in October 2015 in the Eastern District of Virginia with one felony count of importing goods through false statements and four misdemeanor violations of the Lacey Act, which makes it a crime to import timber that was taken in violation of the laws of a foreign country and to transport falsely-labeled timber across international borders into the United States. The charges describe Lumber Liquidators' use of timber that was illegally logged in Far East Russia, as well as false

statements on Lacey Act declarations which obfuscated the true species and source of the timber.

In total, the company will pay \$13.15 million, including \$7.8 million in criminal fines, \$969,175 in criminal forfeiture, more than \$3.15 million in civil forfeiture, and more than \$1.23 million in injunctive relief. This is the largest financial penalty for timber trafficking under the Lacey Act and one of the largest Lacey Act penalties ever. Lumber Liquidators has also agreed to a five-year term of organizational probation and mandatory implementation of a government-approved environmental compliance plan and independent audits.

According to a joint statement of facts filed with the court, from 2010 to 2013, Lumber Liquidators repeatedly failed to follow its own internal procedures and failed to take action on self-identified "red flags." Those red flags included imports from high risk countries, imports of high risk species, imports from suppliers who were unable to provide documentation of legal harvest and imports from suppliers who provided false information about their products. Lumber Liquidators employees were aware that timber from the Russian Far East was considered, within the flooring industry and within Lumber Liquidators, to carry a high risk of being illegally sourced due to corruption and illegal harvesting in that remote region. Despite the risk of illegality, Lumber Liquidators imported Russian timber logged under a concession permit that had been utilized so many times that the defendants' imports alone exceeded the legal harvest allowance of Mongolian oak, *Quercus mongolica*, by more than 800 percent. The investigation revealed a prevalent practice in timber smuggling enterprises, where a company uses a seemingly legitimate government permit to log trees. Corruption and criminal activity along the supply chain results in the same permit being used multiple times and in areas outside of the designated logging area, sometimes vastly exceeding its legal limits.



ENRD played a key role in formulating the federal government's response to the Love Canal disaster. In 1978, when EPA first began investigating Love Canal, the Division worked with Congress to draft the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), known as the Superfund law. The Division, in concert with the State of New York, brought the first CERCLA cost-recovery action against Hooker Chemicals in 1979. The civil prosecution of that case helped establish liability and cost recovery standards, and recovered \$129 million in EPA cleanup costs. In the 1980's, the Division alleged that Hooker improperly stored hazardous wastes at the Love Canal site. In 2004, EPA declared the Love Canal cleanup complete.

- ***Vessel Pollution Cases***

The Norwegian shipping company DSD Shipping (DSD), operator of the M/T Stavanger Blossom, was sentenced to pay a total corporate penalty of \$2.5 million as a result of its convictions in Mobile, Alabama, for obstructing justice, violating the Act to Prevent Pollution from Ships (APPS), tampering with witnesses and conspiring to commit these offenses. The company was ordered to pay \$500,000 of the penalty to the Dauphin Island Sea Lab Foundation to fund marine research and enhance coastal habitats in the Gulf of Mexico and Mobile Bay. In addition, DSD was placed on a three year term of probation and was ordered to implement an environmental compliance plan to ensure the company's vessels obeyed domestic and international environmental regulations in the future.

International and U.S. law forbid the discharge of waste oil and garbage into the ocean and require that vessels use pollution prevention equipment, known as an oily-water separator, to prevent the discharge of oil-contaminated waste water. Should any overboard discharges occur, they must be documented in either an oil record book or a garbage record book, logs that are regularly inspected by the U.S. Coast Guard. Waste oil and sludge can only be disposed of using an on-board incinerator or by discharging the waste to a shore-side facility, barge or tanker truck.

The evidence demonstrated at trial that DSD operated the M/T Stavanger Blossom, a 56,000 gross ton crude oil tanker, from 2010 to 2014 without an operable oily-water separator as required by law. On Jan. 29, 2010, an internal corporate memorandum written by a vessel engineer warned DSD that the pollution prevention equipment did not work. Rather than repair or replace the oily-water separator, DSD operated the vessel illegally for the next 57 months before the conduct was identified by U.S. Coast Guard inspectors in November 2014. As the testimony at trial revealed, DSD illegally discharged approximately 20,000 gallons of oil-contaminated waste water and plastic bags containing 270 gallons of sludge into the ocean during the last two-and-a-half months of the vessel's operation. DSD maintained fictitious record books aboard the vessel, omitting the illegal discharges of oil and garbage and falsely claimed that pollution prevention equipment was used when it was not. Further, DSD's senior ship officers lied about the discharges to the U.S. Coast Guard and ordered their subordinates to do the same. Three senior engineering officers employed by DSD to operate the ship were sentenced to imprisonment and face the loss of their marine engineering licenses and exclusion from employment in the merchant marine.

• ***Biodiesel Fraud Prosecutions***

This past year, Joseph Furando, of Montvale, New Jersey, was sentenced to 20 years in prison, three years of supervised release and to pay more than \$56 million in restitution for his role in an elaborate scheme to defraud biodiesel buyers and United States taxpayers by fraudulently selling biodiesel incentives.

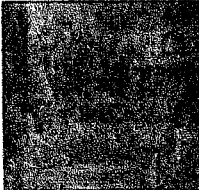
From 2007 through 2012, Indiana-based E-biofuels owned a biodiesel manufacturing plant in Middletown, Indiana. Biodiesel is a fuel that can be used in diesel engines and that is made from renewable resources, including soybean oil and waste grease from restaurants. Under the Energy Independence and Security Act, properly manufactured biodiesel was eligible for a dollar per gallon tax credit as well as another valuable credit, called a Renewable Identification Number (RIN) that petroleum refiners and importers could use to demonstrate compliance with federal renewable fuel obligations. These incentives can be claimed once and only once for any given volume of biodiesel.

Furando admitted that sometime in late 2009, he and his companies, New Jersey-based defendants Caravan Trading Company and CIMA Green, began supplying E-biofuels with biodiesel that was actually made by other companies and had already been used to claim tax credits and RINs. Because these incentives had already been claimed, Furando could purchase the biodiesel at much lower prices, sometimes for more than two dollars per gallon less than biodiesel that was still eligible for the credits. The conspiracy functioned as follows: Furando supplied the product to E-biofuels and his co-conspirators would claim that E-biofuels made the

fuel and then they would illegally re-certify the fuel and sell it at the much higher market price for incentivized biodiesel, known as B100 with RINs. Within the circle of those he trusted, Furando referred to this fraud scheme as “Alchemy.”

Furando, his New Jersey-based companies and his Indiana-based co-defendants realized huge per gallon profits through this scheme, sometimes in excess of \$15,000 per truckload. Furando realized his profits through the prices he charged E-biofuels. Over the course of approximately two years, the defendants fraudulently sold more than 35 million gallons of fuel for a total cost of over \$145.5 million. The defendants realized more than \$55 million in gross profits, at the expense of their customers and U.S. taxpayers.

Three corporations at the heart of the scheme were also sentenced for their joint liability in the scheme. Furando’s two companies were both sentenced to pay \$56 million in restitution and million dollar fines. The companies, which are largely defunct, must serve two years’ probation to ensure that remaining assets are properly directed toward victims. Toward that end, the court imposed, but suspended, the fines. The third company, E-biofuels LLC, was also sentenced to pay the \$56 million in restitution. E-biofuels is in bankruptcy and its few remaining assets are being distributed to creditors and victims through the bankruptcy process.



The Division was beginning to settle into its new role of enforcing environmental laws. In 1980, in response to threats to human health and the environment posed by abandoned toxic waste disposal sites, Congress enacted the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), popularly known as Superfund. The statute taxed the petroleum and petrochemical industries to create a fund to clean up hazardous waste sites, and empowered the United States to recover cleanup costs from persons responsible for the contamination. CERCLA became an important statute for the Division, as it required civil judicial enforcement to both obtain cleanup and reimbursement for EPA’s costs, also known as “the polluter pays.”

2. Performance and Resources Table
Decision Unit/Program: Environment & Natural Resources Division

WORKLOAD/RESOURCES 1/		Target FY 2016	Actual FY 2016	Target FY 2017 (CR #2)	FY 18 Current Services and other adjustments	Requested (Total) FY 2018
DIVISION TOTAL WORKLOAD	# of Cases & Matters (Active & Closed)	5,400	5,385	5,275		5,275
	# of Cases Successfully Resolved/Success Rate	83%	797	83%		83%
CIVIL	1. Number of cases (active & closed)	4,885	4,786	4,700		4,700
	2. Number of matters (active & closed)	220	302	272		272
CRIMINAL	3. Number of cases (active & closed)	280	270	285		285
	4. Number of matters (active & closed)	36	47	38		38
	FTE	\$000	FTE	\$000	FTE	\$000
DIVISION RESOURCES - Total Year Costs & FTE's (Appropriated only)		542 (74) \$	542 (74) \$	526 (115) \$	110,202	5,286 527(115) \$ 115,998
Program Activity	PERFORMANCE/RESOURCES	Target FY 2016	Actual FY 2016	Target FY 2017 (CR #2)	FY 18 Current Services and other adjustments	Requested (Total) FY 2018
CIVIL	TOTAL COSTS & FTE	FTE \$000	FTE \$000	FTE \$000	FTE \$000	FTE \$000
	1. Number of cases active/closed	468 \$ 99,461	483 \$ 96,481	473 \$ 99,272	1 \$ 4,945	474 \$ 104,218
	2. Number of matters active/closed	Closed	Closed	Closed		Closed
	3. Affirmative cases successfully resolved	3,295 1,630	3,852 1,153			
	4. Delinquent cases successfully resolved	140 80	220 82			
	5. Penalties Averted 2*	# Resolved Success Rate 65%	# Resolved Success Rate 95%	# Resolved Success Rate 85%	# Resolved Success Rate 75%	# Resolved Success Rate 85%
	- Federal	no estimate	283	no estimate	no estimate	no estimate
	- State	no estimate	448	no estimate	75%	75%
	6. Penalties Averted 2*	Superfund no estimate	Superfund \$ 6,237,340	Superfund no estimate	Superfund no estimate	Superfund no estimate
	- Federal	no estimate	\$ 13,991,978,272	no estimate	no estimate	no estimate
	- State	no estimate	\$ 730,870	no estimate	no estimate	no estimate
	7. Clean-up Costs Averted 4/	no estimate	\$ -	no estimate	no estimate	no estimate
	- CERCLA Federal Cost Recovery 3/ 5/	no estimate	\$ 57,149,880	no estimate	no estimate	no estimate
	- Federal Inactive Bail	no estimate	\$ 334,706,214	no estimate	no estimate	no estimate
	- CERCLA State Cost Recovery	no estimate	\$ 2,824,995	no estimate	no estimate	no estimate
	- State Inactive Bail	no estimate	\$ -	no estimate	no estimate	no estimate
	8. Supplemental Environmental Projects (SEP's) 6/	no estimate	\$ -	no estimate	no estimate	no estimate
	- Value of Federal SEP's	no estimate	\$ -	no estimate	no estimate	no estimate
	- Value of State SEP's	no estimate	\$ 16,841,562	no estimate	no estimate	no estimate
	9. Environmental Mitigation Projects 7/	no estimate	\$ -	no estimate	no estimate	no estimate
	10. Costs Avoided (Saved the U.S. in Defense Cases) 8/	no estimate	\$ 20,852,000	no estimate	no estimate	no estimate
		no estimate	\$ 12,332,899,555	no estimate	no estimate	no estimate

Performance and Resources Table (Cont.)

CRIMINAL	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
TOTAL COSTS & FTE	54	\$ 11,051	54	\$ 11,051	53	\$ 11,030	53	\$ 11,280	53	\$ 11,280		
OUTPUT/1/												
1. Number of cases adjudicated	200	Closed	80	Closed	112	Active	112	Closed	Active	Closed	Active	Closed
2. Number of matters adjudicated	27		8		43		4					
OUTCOME*												
1. Number of criminal cases successfully resolved	# Resolved	Success Rate	# Resolved	Success Rate	# Resolved	Success Rate	# Resolved	Success Rate	# Resolved	Success Rate		
	no estimate	90%	65	96%	no estimate	90%	no estimate	90%	no estimate	90%		
2. Dollars Awarded	Superfund	Non-Superfund	Superfund	Non-Superfund	Superfund	Non-Superfund	Superfund	Non-Superfund	Superfund	Non-Superfund	Superfund	Non-Superfund
- Fines 9/	no estimate	no estimate	\$ 20,841,415	no estimate	no estimate	no estimate	no estimate	no estimate	no estimate	no estimate	no estimate	no estimate
- Restitution	no estimate	no estimate	149,319,581	no estimate	no estimate	no estimate	no estimate	no estimate	no estimate	no estimate	no estimate	no estimate
- Community Service Funds 10/	no estimate	no estimate	-	no estimate	1,931,125	no estimate	no estimate	no estimate	no estimate	no estimate	no estimate	no estimate
3. Criminal Environmental Compliance Plan 11/	no estimate	no estimate	\$ -	\$ -	50,000	no estimate	no estimate	no estimate	no estimate	no estimate	no estimate	no estimate

Additional Explanation for Targets, Program Changes, and Program Requests

* In accordance with Department guidance, estimates of performance are not projected for the noted categories.

Data Definition, Validation, Verification, and Limitations:

- 1/ A matter is defined as "an issue requiring attorney time (i.e. congressional & legislative inquiries, Freedom of Information Act (FOIA) inquiries, notice of intent to sue, or policy issues). Active cases/matters are those currently being worked on as of the reporting date for the current fiscal year. Closed cases/matters are fiscal year-to-date for the reporting date. Cases and matters reported here are those that had time reported.
- 2/ Penalties Awarded includes: Civil & Stipulated Penalties, Natural Resource and other damages, Court Costs, Interest on dollars awarded, Attorneys' Fees, and Royalties paid in cases involving the use of U.S. mineral lands.
- 3/ CERCLA is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Funds from the Environmental Protection Agency (EPA) used to enforce this statute are called "Superfund". Monies in the "Superfund" category replenish this fund.
- 4/ Cost recovery is awarded to federal & state governments for reimbursement of the clean-up of sites contaminated with hazardous substances. Inactive relief is estimated clean-up costs for contaminated sites which are court ordered to be completed by the defendant.
- 5/ Includes monies paid by the Federal Government for its share of clean-up costs of Superfund sites.
- 6/ Supplemental Environmental Projects (SEP) are environmentally beneficial projects that defendants are ordered to perform by the court (i.e. a factory installing a device to reduce the release of pollutants into the environment)
- 7/ A mitigation project is actions a defendant agrees to take to remedy the harm caused by its past non-compliance.
- 8/ Costs Avoided is the difference between the amount for which the government is sued, and the amount actually paid to plaintiffs.
- 9/ Includes Special Assessments, Reimbursement of Court Costs and Attorneys' Fees, and Asset Forfeitures.
- 10/ Community Service Funds represents actions which benefit the environment and local community that defendants are ordered to complete in addition to any other sentence.
- 11/ Criminal Environmental Compliance Plans are plans that may vary in detail, usually imposed on organizational defendants as conditions of probation at sentencing. They set out various actions that defendants must undertake in an effort to bring them into and keep them in compliance.
- Data Collection & Storage: The majority of the performance data submitted by ENRD are generated from the DIMS/ort Case Management System (CMS).
- Data Validation and Verification: The division has instituted a formal data quality assurance program to ensure a quarterly review of the Division's docket. The case systems data are monitored by the division to maintain accuracy.
- Data Limitations: Timeliness of notification by the courts.
- Data does not include United States Attorney (USA) treatable cases

Performance Measure Table

PERFORMANCE MEASURE TABLE																	
Decision Unit: Environment and Natural Resources Division																	
Performance Report and Performance Plan Targets		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018			
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target		
EFFICIENCY Measure	Total dollar value awarded per \$1 of expenditures (Affirmative)	\$109		\$117		\$95		\$132		\$81		\$251		\$81		\$81	
EFFICIENCY Measure	Total dollars saved the government per \$1 of expenditures (Defensive)	\$26		\$107		\$30		\$42		\$22		\$162		\$22		\$22	
OUTCOME Measure	Civil affirmative cases successfully resolved	98%		98%		99%		99%		85%		99%		85%		85%	
OUTCOME Measure	Civil defensive cases successfully resolved	92%		87%		90%		93%		75%		93%		75%		75%	
OUTCOME Measure	Criminal cases successfully resolved	98%		95%		91%		95%		90%		96%		90%		90%	
OUTPUT Measure	Number of criminal cases (active and closed) 1/	313		283		265		267		280		270		265		265	
OUTPUT Measure	Number of criminal matters (active and closed) 1/	13		45		47		48		35		47		38		38	
OUTPUT Measure	Number of civil cases (active and closed) 1/	5,203		5,995		5,138		5,059		4,865		4,766		4,700		4,700	
OUTPUT Measure	Number of civil matters (active and closed) 1/	253		379		290		328		220		302		272		272	

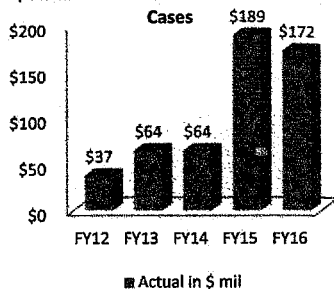
3. Performance, Resources, and Strategies

Criminal Litigating Activities

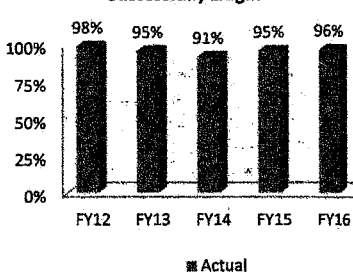
a. Performance Plan and Report for Outcomes

Vigorous prosecution remains the cornerstone of the Department's integrated approach to ensuring broad-based environmental compliance. It is the goal of investigators and prosecutors to discover and prosecute criminals before they have done substantial damage to the environment (including protected species), seriously affected public health, or inflicted economic damage on consumers or law-abiding competitors. The Department's environmental protection efforts depend on a strong and credible criminal program to prosecute and deter future wrongdoing. Highly publicized prosecutions and tougher sentencing for environmental criminals are spurring greater environmental compliance. Working together with federal, state and local law enforcement, the Department is meeting the challenges of increased referrals and more complex criminal cases through training of agents, officers and prosecutors, outreach programs, and domestic and international cooperation.

\$ Awarded in Criminal Environmental



% of Criminal Environmental Cases Successfully Litigated



Data Collection and Storage: A majority of the performance data submitted by ENRD are generated from the Division's Case Management System (CMS).

Data Validation and Verification: ENRD performs a quarterly quality assurance review of the Division's docket. CMS data is constantly monitored by the Division to maintain accuracy.

Data Limitations: Timeliness of notification by the courts.



In the early morning hours of March 24, 1989, the Exxon Valdez oil tanker ran aground on Bligh Reef in the waters of Prince William Sound in Alaska, spilling 11 million gallons of crude oil into pristine waters, fouling hundreds of miles of coast line, and killing thousands of migratory birds, fish, and other wildlife. The criminal prosecution and civil action that followed were among the Division's biggest cases. At the time, the October 1991 settlement with Exxon Corporation was the largest environmental settlement in U.S. history. The Division obtained guilty pleas from Exxon Corporation for water pollution and migratory bird crimes. The combined criminal and civil settlement of \$1.125 billion included \$250 million in criminal fines and restitution, and recovery of response costs and natural resource damages.

I. Performance Measure - Percent of Criminal Environmental Cases Successfully Resolved

❖ ***FY 2016 and FY 2017 Target: 90%***

❖ ***FY 2016 Actual: 96%***

Discussion: ENRD exceeded its FY 2016 goal by +6%. As discussed in the “Accomplishments” section of this budget document, over the past year, the Division prosecuted a number of important, often complex, and high-profile vessel pollution, wildlife trafficking, biodiesel fraud, illegal timber harvesting, worker safety and other environmental crimes.

FY 2017/2018 Performance Plan: We have set our target at 90 percent of cases successfully litigated for FY 2017 and FY 2018. ENRD targets are generally set at an attainable performance level so that there is no incentive to ramp up prosecutions or lawsuits against insignificant targets for “easy” wins solely to meet higher targets. Such an approach would do a disservice to the public by steering litigation away from more complicated problems facing the country’s environment and natural resources.

Public Benefit: The Division continues to produce successful criminal prosecutions relating to environmental statutes. These successes ensure compliance with the law and lead to specific improvements in the quality of the environment of the United States, and the health and safety of its citizens. Additionally, ENRD has had numerous successes in prosecuting vessels for illegally disposing of hazardous materials into United States waterways. These successes have improved the quality of our waterways and promoted compliance with proper disposition of hazardous materials. Also, the Division has successfully prosecuted numerous companies for violations of environmental laws which endangered their workers. Our successes lead to safer workplaces and fewer lives lost to hazardous conditions.

II. Performance Measure - \$ Awarded in Criminal Environmental Cases

❖ ***FY 2016 Target: In accordance with Department guidance, targeted levels of performance are not projected for this indicator.***

❖ ***FY 2016 Actual: \$172.1 million***

Discussion: While ENRD does not establish monetary goals for this metric, the Division is pleased to report that in FY 2016 we imposed nearly \$200 million in criminal fines and monetary impositions. As discussed in the “Accomplishments” section of this budget document, over the past year, ENRD prosecuted a number of important, often complex, and high-profile vessel pollution, wildlife trafficking, biodiesel fraud, illegal timber harvesting, worker safety and other environmental crimes.

FY 2017/2018 Performance Plan: Not Applicable. In accordance with Department guidance, levels of performance for FY 2017 and FY 2018 are not projected for this indicator. Many factors affect our overall performance, such as proposed legislation, judicial calendars, etc. The

performance of the Division tends to reflect peaks and valleys when large cases are decided. Therefore, we do not project targets for this metric annually.

Public Benefit: The Division continues to obtain criminal fines from violators, thereby removing economic benefits of non-compliance and leveling the playing field for law-abiding companies. Our prosecutorial efforts deter others from committing crimes and promote adherence to environmental and natural resources laws and regulations. These efforts result in the reduction of hazardous materials and wildlife violations and improve the quality of the United States' waterways, airways, land, and wildlife, thereby enhancing public health and safety.

B. Strategies to Accomplish Outcomes

The Division will continue efforts to obtain convictions and to deter environmental crimes through initiatives focused on vessel pollution, illegal timber harvesting, laboratory fraud, chlorofluorocarbon (CFC) smuggling, wildlife smuggling, transportation of hazardous materials, and worker safety. ENRD will also continue to prosecute international trafficking of protected species of fish, wildlife, and plants with a host of international treaty partners.

Illegal international trade in wildlife is second in size only to the illegal drug trade, and our criminal prosecutors work directly on these cases, as well as assist United States Attorneys Offices and share ENRD expertise nationwide with state and federal prosecutors and investigators. We will focus on interstate trafficking and poaching cases on federal lands, and seek to ensure that wildlife conservation laws are applied uniformly and enforced across the country, seeking consistency in these criminal prosecutions and a vigorous enforcement program that serves as an international role model.

ENRD has partnered with other federal agencies, such as EPA, to pursue litigation against criminal violators of our nation's environmental policies. Egregious offenders are being brought to justice daily. The Division has worked collaboratively to identify violators who pose a significant threat to public health. By prosecuting criminal violations of regulations, ENRD is forcing compliance and discouraging continued disregard for public health.



In April 1990, the Division became the Environment and Natural Resources Division. ENRD saw more complex cases that involving multiple statutes, and federal, state, local, tribal, nonprofit, and industry interests. By 1992, concern over biodiversity and endangered species such as the spotted owl yielded lawsuits and court injunctions that blocked harvesting of old-growth timber. The Northwest Forest Plan of 1994 established standards and guidelines to address the competing needs of forest habitat protection and commercial timber harvesting on 24.5 million acres managed by the Bureau of Land Management and the Forest Service. The Plan of 1994 was successfully defended by ENRD against challenges from both environmental and timber industry groups.

Civil Litigating Activities

A. Performance Plan and Report for Outcomes

The Department enforces environmental laws to protect the health and environment of the United States and its citizens, defends environmental challenges to government programs and activities, and represents the United States in all matters concerning the protection, use, and development of the nation's natural resources and public lands, wildlife protection, Indian rights and claims, and the acquisition of federal property.

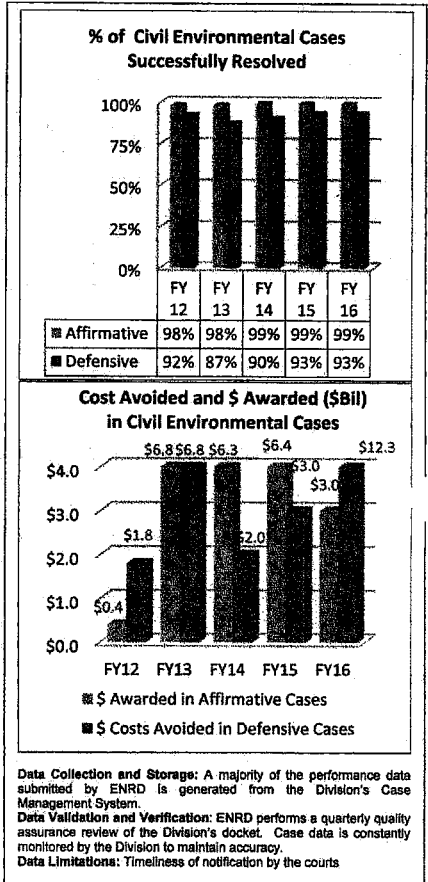
Performance Results

I. Performance Measure - Percent of Civil Environmental Cases Successfully Resolved

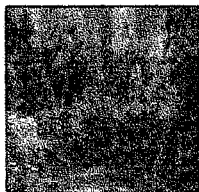
- ❖ *FY 2016 and FY 2017 Target: 85% Affirmative; 75% Defensive*
- ❖ *FY 2016 Actual 99% Affirmative; 93% Defensive*

Discussion: FY 2016 was a particularly successful year for ENRD. The Division exceeded its civil affirmative success target by +14%, and its civil defensive target by +18%. As described elsewhere in this document, ENRD achieved extraordinary success enforcing the Nation's core environmental statutes and defending the Administration and its federal agencies from lawsuits from a wide variety of Plaintiffs.

FY 2017/2018 Performance Plan: Considering our past performance, we aim to achieve litigation success rates of 85 percent Affirmative and 75 percent Defensive (average of 80 percent overall) for FY 2017 and FY 2018. ENRD's targets are set lower than the actual performance so that there is no incentive to ramp up prosecutions or lawsuits against easy targets solely to meet an "ambitious" goal. This sort of easy approach would do a disservice to the public by steering litigation away from more difficult problems facing the country's environment and natural resources. Our targets are set at demonstrably achievable levels and do not deter high performance.



Public Benefit: The success of the Department ensures the correction of pollution control deficiencies, reduction of harmful discharges into the air, water, and land, clean-up of chemical releases, abandoned waste, and proper disposal of solid and hazardous waste. In addition, the Department's enforcement efforts help ensure military preparedness, safeguard the quality of the environment in the United States, and protect the health and safety of its citizens.



Working principally with the Interior and Agriculture Departments and the National Oceanic and Atmospheric Administration, ENRD established favorable legal standards for natural resource damages cases under CERCLA. Four landmark cases in this area were the New Bedford Harbor case, involving releases of hazardous substances in New Bedford Harbor in Massachusetts, the Montrose Chemical case, involving damages to the marine environment from the disposal of DDT and PCBs off the coast of southern California, *United States v. Exxon*, involving damages from the Exxon Valdez oil spill, and *United States v. Asarco*, involving natural resource damages to Idaho's Coeur d'Alene Basin from the disposal of hazardous mine wastes and mill tailings.

II. Performance Measure - Costs Avoided and \$ Injunctive Relief / Environmental Clean-up Awarded in Civil Environmental Cases

- ❖ ***Target:*** *In accordance with Department guidance, targeted levels of performance are not projected for this indicator.*
- ❖ ***FY 2016 Actual:*** *\$12.3 billion avoided; \$3.0 billion awarded*

Discussion: ENRD had a remarkably successful year in FY 2016 avoiding costs in defensive cases and imposing injunctive relief on polluters. ENRD's efforts in this area protected and preserved the federal fisc, and also compelled polluters – rather than federal, state and local governments – to pay for environmental clean-up and restoration efforts.

FY 2017/2018 Performance Plan: Not Applicable. In accordance with Department guidance, levels of performance are not projected for this indicator. There are many factors that affect our overall performance, including proposed legislation and judicial calendars. The overall performance of the Division can be affected when large cases are decided, so we do not project annually.

III. Efficiency Measures

- 1) **Total Dollar Value Awarded per \$1 Expenditures [Affirmative]**
- 2) **Total Dollars Saved the Government per \$1 Expenditures [Defensive]**

- ❖ ***FY 2016 Targets:*** *\$81 awarded; \$22 saved*
- ❖ ***FY 2016 Actual:*** *\$251 awarded; \$162 saved*

FY 2017/2018 Performance Plan: The Division has an exemplary record in protecting the environment, Indian rights, and the nation's natural resources, wildlife, and public lands. ENRD

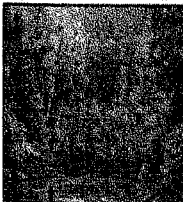
anticipates continued success through vigorous enforcement efforts which generally will produce settlements and significant gains for the public and the U.S. Treasury.

Public Benefit: The Division's efforts to defend federal programs, ensure compliance with environmental and natural resource statutes, win civil penalties, recoup federal funds spent to abate environmental contamination, ensure military preparedness, and ensure the safety and security of our water supply, demonstrate that the United States' environmental laws and regulations are being vigorously enforced. Polluters who violate these laws are not allowed to gain an unfair economic advantage over law-abiding companies. The deterrent effect of the Division's work encourages voluntary compliance with environmental and natural resources laws, thereby improving the environment, the quality of our natural resources, and the safety and health of U.S. citizens.

B. Strategies to Accomplish Outcomes

As our environment changes, so do the actions we take to preserve the health and life of those residing within the borders of the United States. Environmental groups and other interested parties challenge Administration policies every year. ENRD is responsible for defending federal agencies carrying out Administration policies every day. The Division has realized some remarkable successes to date. In an effort to continue our successful record of litigation, the Division has sought new and creative ways to utilize our limited resources. For example, ENRD has adopted a policy of "porosity," whereby cases involving the responsibilities of different sections within ENRD can be litigated by a single attorney, rather than two or three attorneys from different sections. As such, ENRD's porosity policy allows us to litigate cases in a manner that conserves resources, without regard to bureaucratic distinctions within the Division. This policy has also resulted in more flexibility to shift workloads between attorneys when they become overburdened. Although cross-training staff grows our workforce's skills and abilities, it does not address long-term caseload issues.

The Division works collaboratively with client agencies towards mediations, alternative dispute resolution (ADR), and settlements. These alternative methods of resolution are less contentious and save the government expenses associated with full-blown litigation. Water rights adjudications, reclamations, and inverse takings cases are typically handled in settlement mode versus litigation mode. Settlements often result in the most favorable outcome, and reach the largest number of people.



ENRD remains committed to enforcing the nation's environmental laws to address air pollution from the largest and most harmful sources; improve municipal wastewater and storm water treatment and collection to keep raw sewage, contaminated storm water, and other pollutants out of our nation's rivers, streams, and lakes; compel polluters to clean up hazardous waste or repay the government for cleanup costs; and prosecute criminal violations of environmental and other federal laws. The Division continues to enforce laws that protect human health and the environment. In recent years, the Division's work has included such high-profile cases as the Deepwater Horizon Gulf of Mexico Oil spill and the Clean Air Act case against Volkswagen.

V. Program Increases by Item

A. Land Acquisition and Related Litigation Required to Secure the Southwest U.S. Border

Item Name:	Land Acquisition and Related Litigation Required to Secure the Southwest U.S. Border
Budget Decision Unit(s):	Environment and Natural Resources Division
Organizational Program(s):	<i>Land Acquisition Section (LAS)</i> <i>Natural Resources Section (NRS)</i> <i>Wildlife and Marine Resources Section (WMRS)</i>
Program Increase:	Positions 20, Atty 12, FTE 10, Dollars <u>\$1,798,000</u>

Description of the Item

ENRD is requesting \$1,798,000, including 12 attorney positions and 10 FTEs, to support the President's January 25, 2017 Executive Order on *Border Security and Immigration Enforcement Improvements*.

ENRD is intimately engaged in, and principally responsible for, acquiring real property to secure the border between the United States and Mexico, pursuant to the subject Executive Order. The Executive Order calls upon the Executive Branch to “immediately plan, design and construct” a “physical wall” or “barrier” along the border between Mexico and the United States (EO Sec. 4), establish “detention facilities” (EO Sec. 5), “hire 5,000 additional Border Patrol agents” (EO Sec. 8), and “have access to all Federal Lands” (EO Sec. 12).

Justification:

Construction of the Southwest U.S. border wall represents one of the largest public works projects in the Nation’s history. ENRD plays a critical role in such projects with (1) the Division’s Land Acquisition Section (LAS) guiding the acquisition of land (along with developing associated title and appraisal work); and (2) ENRD’s Natural Resources Section (NRS) and Wildlife and Marine Resources Section (WMRS) addressing challenges under a host of environmental, procedural and inverse takings statutes (i.e., Endangered Species Act (ESA), National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and Tucker Act). For this project in particular, ENRD’s Land Acquisition Section is performing, or will perform, the following functions:

- Because potentially hundreds or thousands of parcels of land are needed for this project, LAS consults with the land acquiring agencies as part of project planning to (1) streamline the land acquisition process (addressing, e.g., real property interests, estates to be acquired, negotiations, appraisals, title, surveys, legal filings, timing, etc.) and (2) identify litigation challenges.

- Reviewing every condemnation case package to be filed in court, whether it is to be filed by LAS or the U.S. Attorneys Offices. (For the related 2007-08 border construction effort, LAS worked with the Army Corps of Engineers (“Corps”) to develop and use an electronic case review system allowing for expedited review and filing of cases; LAS will use a similar system for this project.)
- Providing training for Assistant U.S. Attorneys and Corps realty staff, who are not familiar with federal condemnation practice.
- Providing, for the initial surge of cases and challenges, initial case pleadings, draft legal briefs, argue motions and conduct hearings. LAS anticipates transitioning to the USAOs the preparation of smaller cases and handling of standard briefs, motions and hearings within a year.
- Handling, either as lead or jointly with AUSAs, any cases with significant valuation disputes (usually more than \$1 million), political sensitivities, USAO recused matters, or complex legal, valuation, or title matters. LAS also often handles cases initially assigned to the USAOs that are later recognized to strain the resources and expertise of the USAOs.
- Providing expert appraisal review services to the agencies, LAS trial attorneys and the AUSAs ensure uniformity in the appraisal and valuation process, and help to achieve uniform results to satisfy the mandate of the Constitution for just compensation. ENRD’s land acquisition attorneys provide a uniform approach to help reach a value fair to both the landowners and the citizens who must pay for the land.

The United States-Mexico border is 1,933.4 miles long, with 372.5 miles in Arizona, 140.4 miles in California, 179.5 miles in New Mexico, and 1,241.0 miles in Texas. As it exists today, the Department of Homeland Security has completed 654 miles of fencing, including 300 miles of vehicle barriers and 354 miles of pedestrian fence. Of the 300 miles of vehicle barriers, 183 miles are located in Arizona, 15.5 miles in California, 101 miles in New Mexico, and 0.5 miles in Texas. Of the 354 miles of pedestrian fencing, 135 miles are located in Arizona, 90 miles in California, 14 miles in New Mexico, and 115 miles in Texas.

In order to secure the entirety of the U.S.-Mexico border, the government will have to acquire substantial additional parcels of property. At this time, one cannot predict the exact number of parcels or the total number of condemnation cases LAS will have to litigate -- the subject undertaken is massive and unprecedented. What follows are current, yet evolving, projections for the project construction:

- Hundreds of miles of existing fence will be replaced (converting antiquated or vehicular fencing to enhanced pedestrian fencing and a border wall with a security buffer zone between them). This will occur in all five affected USAO districts and could require the filing of dozens or hundreds of cases.

- Hundreds of miles of new fencing and border wall, with a corresponding security zone between them, will be constructed. At present, this will likely happen in every USAO border district and could require the filing of dozens or hundreds of cases.

In the earliest iterations of border projects in the 1990s, numerous challenges were brought under a variety of environmental statutes, including the ESA and NEPA. Current laws allow the Secretary of the Department of Homeland Security (DHS) to waive virtually every environmental statute (including ESA and NEPA) upon publication in the Federal Register. This authority was invoked for the last round of border infrastructure projects from 2005 to 2008. If the authority is again invoked, it is likely that there will be direct challenges to the waiver during the construction process on a number of grounds. Numerous and more comprehensive challenges are likely to expand into future operations and maintenance. ENRD will vigorously defend the federal government when such challenges arise.

FundingBase Funding

FY 2016 Enacted				FY 2017 Enacted				FY 2018 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
2	2	1	\$329	2	2	1	\$329	2	2	1	\$329

Personnel Increase Cost Summary

Type of Position/Series	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2018 Request (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)
Attorney (905)	\$175	12	\$1,155	\$996
Appraiser (1171)	\$175	3	\$288	\$249
Paralegal (950)	\$90	5	\$255	\$208
Total Personnel		20	\$1,698	\$1,453

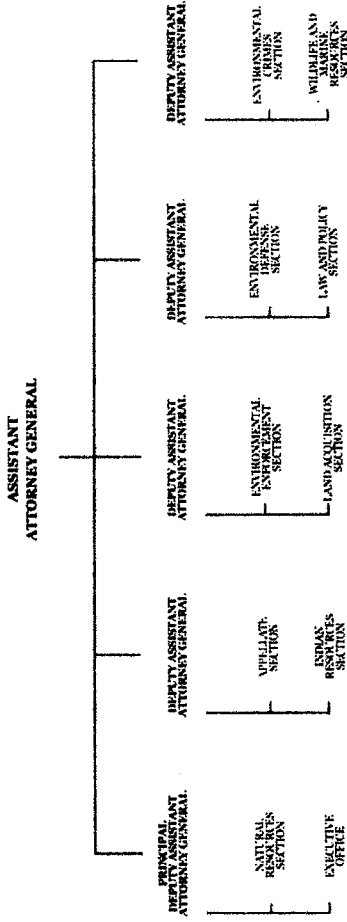
Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2018 Request (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)
Automated Litigation Support			\$100	\$0
Total Non- Personnel		*	\$100	\$0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)
Current Services	2	2	1	\$279	\$50	\$329	
Increases	20	12	10	\$1,698	\$100	\$1,798	\$1,453
Grand Total	22	14	11	\$1,977	\$150	\$2,127	\$1,453

A. Organization Chart



B. Summary of Requirements

Summary of Requirements
 Environment & Natural Resources Division
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2018 Request		Amount
	Positions	Estimate FTE	
2016 Enacted 1/	537	542	110,512
Total 2016 Enacted	537	542	110,512
2017 Continuing Resolution	537	526	110,512
2017 Rescission - 0.1901%	0	0	-210
Total 2017 Continuing Resolution	537	526	110,302
Base Adjustments			
Pay and Benefits	-20	-9	-4,425
Domestic Rent and Facilities	0	0	7,905
Other Adjustments	0	0	18
Total Base Adjustments	-20	-9	3,498
Total Technical and Base Adjustments	-20	-9	3,498
2018 Current Services	517	517	113,800
Program Changes			
Increases:			
Land Acquisition Section (20 Attorneys and Support Staff)	20	10	1,798
Subtotal, Increases	20	10	1,798
Total Program Changes	20	10	1,798
2018 Total Request	537	527	115,598
2017 - 2018 Total Change	0	1	5,296

^{1/} FY 2016 FTE is actual

Summary of Requirements
 Environment & Natural Resources Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Technical and Base		FY 2018 Current Services		
	Positions	Actual FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Environment and Natural Resources	537	542	110,512	537	526	110,302	-20	-9	3,498
Total Direct	537	542	110,512	537	526	110,302	-20	-9	3,498
Balance Rescission			0			0			0
Total Direct with Rescission			110,512			110,302			3,498
Reimbursable FTE		74			115				
Total Direct and Reimb. FTE		616			641				
Other FTE:									
LEAP		0			0				0
Overtime		0			0				0
Grand Total FTE		616			641				632

Program Activity	2018 Increases		2018 Offsets		2018 Request	
	Positions	Est. FTE	Positions	Est. FTE	Positions	Est. FTE
Environment and Natural Resources	20	10	1,788	0	537	527
Total Direct	20	10	1,788	0	537	527
Balance Rescission			0			
Total Direct with Rescission			1,788			
Reimbursable FTE		0		0		115
Total Direct and Reimb. FTE		10		0		642
Other FTE:						
LEAP		0		0		0
Overtime		0		0		0
Grand Total FTE		10		0		642

C. Program Changes by Decision Unit

FY 2018 Program Increases/Offsets by Decision Unit

Environment & Natural Resources Division
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Environment and Natural Resources				Total Increases			
		Positions	Aglt./Atty.	Est. FTE	Amount	Positions	Aglt./Atty.	Est. FTE	Amount
Land Acquisition Section (20 Attorneys and Support Staff)	p. 34	20	12	10	1,798	20	12	10	1,798
Total Program Increases:		20	12	10	1,798	20	12	10	1,798
Program Offsets	Location of Description by Program Activity	Environment and Natural Resources				Total Offsets			
		Positions	Aglt./Atty.	Est. FTE	Amount	Positions	Aglt./Atty.	Est. FTE	Amount
No Program Offsets									
Total Program Offsets:									

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments
 Environment & Natural Resources Division
 Salaries and Expenses
 (Dollars in Thousands)

	Positions	Estimate	Amount
Pay and Benefits		FTE	
1 <u>2018 Pay Raise - 1.9%</u> This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount requested, \$902,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$632,000 for pay and \$270,000 for benefits.)	0	0	902
2 <u>Annualization of 2017 Pay Raise - 2.88%</u> This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88% included in the 2017 Appropriation. The amount requested \$492,000 represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$344,000 for pay and \$148,000 for benefits).	0	0	492
3 <u>Attrition and/or Administrative Savings</u> To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	-20	-9	-6,233
4 <u>Employees Compensation Fund</u> The \$8,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.	0	0	8
5 <u>Health Insurance</u> Effective January 2018, the component's contribution to Federal employees' health insurance increases by 6.8 percent. Applied against the 2017 estimate of \$4,290,000, the additional amount required is \$290,000.	0	0	290
6 <u>Retirement</u> Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$116,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	116
Subtotal, Pay and Benefits	-20	-9	-4,425

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Environment & Natural Resources Division
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate	Amount
		FTE	
Domestic Rent and Facilities			
1 <u>GSA Rent</u> GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$42,000 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.	0	0	42
2 <u>Guard Service</u> This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$35,000 is required to meet these commitments.	0	0	35
3 <u>Moves</u> GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2018.	0	0	7,828
Other Adjustments			
1 <u>Security Investigations</u> For FY 2018, the request includes an increase for security investigations totalling \$18,000.	0	0	18
Subtotal, Domestic Rent and Facilities	0	0	7,905
Subtotal, Other Adjustments	0	0	18
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-20	-9	3,498

F. Crosswa. J16 Availability

Crosswalk of 2016 Availability
 Environment & Natural Resources Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover		FY 2016 Availability		
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Refunds/Amount	Positions	Actual FTE	Amount
Environment and Natural Resources	537	542	110,512	0	0	2,800	3	579	537	542	113,894
Total Direct	537	542	110,512	0	0	2,800	3	579	537	542	113,894
Balance Rescission			0			0		0			0
Total Direct with Rescission			110,512			2,800	3	579			113,894
Reimbursable FTE		74			0					74	
Total Direct and Reimb. FTE		616			0					616	
Other FTE:											
LEAP FTE		0			0					0	
Overtime		0			0					0	
Grand Total, FTE		616			0					616	

Reprogramming/Transfers:
 Funding of \$2.8 million was reallocated from GLA's ALS account to ENRD.

Carryover:
 Funds were carried into FY 2016 from GLA's 2015 no-year account.

Recoveries/Refunds:

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
 Environment & Natural Resources Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution			Reprogramming/Transfers			Carryover		FY 2017 Availability		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Amount	Refunds/Amount	Positions	Est. FTE	Amount
Environment and Natural Resources	537	526	110,302	0	0	0	579	0	537	526	110,881
Total Direct	537	526	110,302	0	0	0	579	0	537	526	110,881
Balance Rescission			0					0			0
Total Direct with Rescission			110,302			0	579	0			110,881
Reimbursable FTE		115			0					115	
Total Direct and Reimb. FTE		641			0					641	
Other FTE:											
LEAP FTE		0			0					0	
Overtime		0			0					0	
Grand Total, FTE		641			0					641	

Carryover:

Funds were carried forward into FY 2017 from GLA's 2016 no-year account.

Summary of Reimbursable Resources
 Environment & Natural Resources Division
 Salaries and Expenses
 (Dollars in Thousands)

Collections by Source	2016 Actual		2017 Estimate		2018 Request		Increase/Decrease	
	Reimb. Pos.	Amount	Reimb. Pos.	Amount	Reimb. Pos.	Amount	Reimb. Pos.	Amount
All Other Sources	0	400	0	801	0	801	0	0
Department of Agriculture	0	18	0	0	0	0	0	0
Department of Commerce	0	4	0	0	0	0	0	0
Department of Defense	0	1,000	0	1,873	0	1,873	0	0
Department of Energy	0	200	0	315	0	315	0	0
Department of Health and Human Services	0	2,500	0	6,300	0	6,300	0	0
Department of Homeland Security	0	500	0	100	0	100	0	0
Department of Interior	0	4,600	0	5,730	0	5,730	0	0
Department of Justice	0	20,000	0	30,040	0	30,040	0	0
Department of State	0	300	0	400	0	400	0	0
Department of Treasury	0	5	0	0	0	0	0	0
Environmental Protection Agency	115	20,732	115	25,970	115	25,970	0	0
Federal Trade Commission	0	1,000	0	3,471	0	3,471	0	0
Securities and Exchange Commission	0	11,000	0	0	0	0	0	0
Budgetary Resources	115	74	115	75,000	115	75,000	0	0

Obligations by Program Activity	2016 Actual		2017 Estimate		2018 Request		Increase/Decrease	
	Reimb. Pos.	Amount	Reimb. Pos.	Amount	Reimb. Pos.	Amount	Reimb. Pos.	Amount
Environment and Natural Resources	115	62,259	115	75,000	115	75,000	0	0
Budgetary Resources	115	74	115	75,000	115	75,000	0	0

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
 Environment & Natural Resources Division
 Salaries and Expenses
 (Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Security Specialists (080)	1	0	1	0	0	0	0	1	0
Personnel Management (0200-0260)	5	2	5	2	0	0	0	5	2
Clerical and Office Services (0300-0389)	52	20	52	20	0	0	0	52	20
Accounting and Budget (500-599)	4	1	4	1	0	0	0	4	1
Paralegals / Other Law (800-998)	88	19	88	19	0	0	0	88	19
Attorneys (605)	370	69	370	69	-20	12	0	362	69
Paralegal Specialist (0950)	0	0	0	0	0	5	0	5	0
Business & Industry (1100-1199)	3	1	3	1	0	3	0	6	1
Information Technology Mgmt. (2210-2299)	14	3	14	3	0	0	0	14	3
Total	537	115	537	115	-20	20	0	537	115
Headquarters Washington D.C.	460	99	460	99	-15	20	0	465	99
US Fields	77	16	77	16	-5	0	0	72	16
Foreign Field	0	0	0	0	0	0	0	0	0
Total	537	115	537	115	-20	20	0	537	115

Financial Analysis of Program Changes
 Environment & Natural Resources Division
 Salaries and Expenses
 (Dollars in Thousands)

Grades	Environment and Natural Resources				Total Program Changes	
	Program Increases		Program Decreases		Positions	Amount
	Positions	Amount	Positions	Amount		
GS-15	15	0	0	0	15	0
GS-9	3	0	0	0	3	0
Ungraded		1,798	0	0	0	1,798
Total Positions and Annual Amount	20	1,798	0	0	20	1,798
Lapse (-)	-10	-829	0	0	-10	-829
11.5 - Other personnel compensation		0	0	0	0	0
Total FTEs and Personnel Compensation	10	969	0	0	10	969
12.1 - Civilian personnel benefits		297	0	0	0	297
21.0 - Travel and transportation of persons		45	0	0	0	45
22.0 - Transportation of things		3	0	0	0	3
23.3 - Communications, utilities, and miscellaneous charges		29	0	0	0	29
24.0 - Printing and reproduction		2	0	0	0	2
25.3 - Other goods and services from federal sources		211	0	0	0	211
25.6 - Medical care		1	0	0	0	1
26.0 - Supplies and materials		4	0	0	0	4
31.0 - Equipment		237	0	0	0	237
Total Program Change Requests	10	1,798	0	0	10	1,798

Summary of Requirements by Object Class
 Environment & Natural Resources Division
 Salaries and Expenses
 (Dollars in Thousands)

K. Summary of Requirements by Object Class

Object Class	FY 2016 Actual		FY 2017 Continuing		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Resolution Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	542	57,272	526	43,825	527	50,184	1	6,359
11.3 - Other than full-time permanent	0	4,058	0	3,881	0	6,593	0	2,712
11.5 - Other personnel compensation	0	744	0	1,118	0	983	0	-135
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	281	0	0	0	166	0	-192
Total	542	62,355	526	49,182	527	57,926	1	8,744
Other Object Classes								
12.1 - Civilian personnel benefits		22,090	1	20,485		22,675	0	2,190
13.0 - Benefits for former personnel		0	0	0		9	0	9
21.0 - Travel and transportation of persons		2,289		1,866		2,683	0	817
22.0 - Transportation of things		318		462		329	0	-133
23.1 - Rental payments to GSA		12,391		15,810		14,281	0	-1,549
23.3 - Communications, utilities, and miscellaneous charges		1,238		1,624		1,183	0	-441
24.0 - Printing and reproduction		92		56		41	0	-15
25.1 - Advisory and assistance services		527		824		457	0	-367
25.2 - Other services from non-federal sources		6,233		15,883		9,867	0	-6,016
25.3 - Other goods and services from federal sources		3,701		3,060		2,955	0	-105
26.0 - Supplies and materials		355		554		382	0	-172
31.0 - Equipment		1,500		1,066		2,830	0	1,764
42.0 - Insurance claims and indemnities		97		0		0	0	0
44.0 - Refunds		0		9		0	0	-9
Total Obligations		113,186		110,881		115,598	0	4,717
Net of:								
Unobligated Balance, Start-of-Year		-3		-579		0	0	579
Transfers/Reprogramming		-2,800		0		0	0	0
Recoveries/Retunds		-579		0		0	0	0
Balance Rescission		0		0		0	0	0
Unobligated End-of-Year, Available		579		0		0	0	0
Unobligated End-of-Year, Expiring		129		0		0	0	0
Total Direct Requirements		110,512		110,302		115,598	0	5,296
Reimbursable FTE								
Full-Time Permanent	74		115		115		0	0

Exhibit K - Summary of Requirements by Object Class



Office of

FY 2018 PERFORMANCE BUDGET

Congressional Submission

DEPARTMENT OF JUSTICE

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I. Overview for the Office of Legal Counsel

Introduction

In FY 2018, the Office of Legal Counsel (OLC) requests a total of \$8,010,000, 32 positions (of which 26 are attorneys), and 32 FTEs.

With the requested FY 2018 resources, OLC will be able to continue to provide top-quality legal advice on matters related to national security, civil rights, crime fighting programs, and legislative and regulatory initiatives, as well as a range of other legal issues concerning constitutional, statutory, and regulatory authority. OLC has issued opinions or otherwise rendered legal advice touching on virtually every aspect of the Department's overall work and mission.

Issues, Outcomes and Strategies

OLC's mission remains critical as the Department confronts national security and intelligence challenges and advises various Executive Branch departments and agencies about priorities of the new Administration.

OLC is headed by an Assistant Attorney General who is appointed by the President and confirmed by the Senate. The Office provides formal opinions and informal advice in response to requests from the Counsel to the President, the various departments and agencies of the Executive Branch, and offices within the Department, including the offices of the Attorney General and Deputy Attorney General. Such requests frequently deal with legal issues about which two or more agencies are in disagreement.

Because formal Attorney General Opinions, which OLC would draft, are so rare, requests for opinions typically result in the preparation of legal opinions signed by OLC's Assistant Attorney General or one of the Office's Deputies. Opinions are based upon the research of one or more of the Office's staff attorneys and review by at least two Deputies. Additionally OLC provides informal legal advice on hundreds of matters each year.

The opinions and legal advice cover constitutional, statutory, and regulatory questions from a wide range of fields, including national security, criminal law, civil rights, fiscal law, and appointment and removal authorities. OLC gives critical advice on how the Executive Branch organizes itself and carries out its missions.

OLC also reviews hundreds of pieces of pending legislation annually for constitutionality and reviews all proposed Executive Orders and substantive presidential proclamations and memoranda, as well as proposed regulations and Orders of the Attorney General, for form and legality. OLC is also the principal office providing legal advice to the White House and Executive Branch agencies concerning their responses to congressional oversight inquiries which have increased in the last several years.

Beginning in FY 2012, OLC has been working on and updating a series of Presidential Emergency Action Documents (PEADs), first prepared by OLC in 1989 and updated pursuant to presidential directive in 2008. PEADs are pre-coordinated legal documents designed to implement a Presidential decision or transmit a Presidential request when an emergency disrupts normal governmental or legislative processes. A PEAD may take the form of a Proclamation, Executive Order, or Message to Congress. The PEAD Portfolio as an entirety is classified Secret; however, after signature by the President, individual PEADs are unclassified. In coordination with the Office of Counsel to the President and the National Security Council Staff, and under presidential direction, OLC has begun a legal review of the PEADs, to ensure that each of the approximately 56 documents reflects current law and adequately addresses the emergencies for which it was prepared. OLC's detailed PEAD review involves original legal research, review of other agencies' legal work, and a substantial amount of legal writing and editing.

In recent years, OLC has been the subject of a large number of Freedom of Information Act requests and lawsuits. That trend has continued in the new Administration. Responding to those requests and lawsuits requires a significant commitment of time and effort from a team of attorneys and paralegals.

Since 1977, at the direction of the Attorney General, OLC has published selected formal opinions. Volumes covering the years 1977 through 2008 have already been issued in hardback, and preparations for additional volumes are in progress. In addition, OLC published a volume of opinions from the period 1939 until 1977, the first in a supplemental opinion series the Office intends to issue for opinions not published at the time of original issuance. Imaged copies of all these hardback opinions are available on OLC's website, and as an interim step, OLC has also published opinions from 2009 to present on its website <http://www.usdoj.gov/olc/opinions.htm> in memorandum form, pending issuance of those opinions bound volumes. In addition, OLC has accelerated the speed which it publishes opinions on its website. Work on this effort will continue into FY 2018.

Performance Challenges

OLC's ability to accomplish its mission depends on its ability to devote the greatest resources possible to meet the demands of an externally-driven workload.

External Challenges: OLC generally does not initiate any programs, nor does it have control over the volume of its work. The work results from requests for opinions and legal advice from the Counsel to the President; general counsels of OMB and other components of the Executive Office of the President; general counsels of other Executive Branch departments and agencies; and the Attorney General and other Department of Justice officials. The lack of control over this externally driven workload has been and is likely to remain a constant challenge to OLC's mission, and is inherent in all aspects of the Office's work, including reviewing legislation, testimony, and Presidential and Attorney General documents.

Internal Challenges: Because it is a relatively small component, representing only a single decision unit, OLC has little flexibility in responding to unexpected surges in workload, such as those created by national security matters and the financial crisis.

Environmental Accountability

In compliance with Executive Order 13423, OLC is striving to integrate environmental accountability into its strategic management plans with the inclusion of procurement governance on Sustainable Buildings, Energy Management, Transportation, Recycling, Water Management, Environmental Management Systems, Electronics Stewardship, and the reduction of Toxic and Hazardous Chemicals.

II. Summary of Program Changes

N/A

III. Appropriations Language and Analysis of Appropriations Language

N/A

IV. Program Activity Justification

A. Office of Legal Counsel

<i>Office of Legal Counsel</i>	Perm. Pos.	FTE	Amount
2016 Enacted	33	30	7,989
2017 Continuing Resolution	33	27	7,974
Adjustments to Base and Technical Adjustments	-1	5	36
2018 Current Services	32	32	8,010
2018 Program Increases	0	0	0
2018 Program Offsets	0	0	0
2018 Request	32	32	8,010
Total Change 2017-2018	-1	5	36

1. Program Description

Playing a major role in advising on intelligence and national security issues following September 11 events, OLC has continued to devote a significant portion of its resources to providing legal advice to the White House, the Attorney General, and other Executive Branch agencies in these areas, and this is not likely to change. The Office is also taxed by the demands placed upon it by handling the legal issues that have arisen in relation to pending legislation and regulatory initiatives.

In addition to these responsibilities, OLC will continue its principal duty of assisting the Attorney General in his role as legal adviser to the President and Executive Branch agencies. OLC will also continue in FY 2018 to serve as arbiter of legal disputes within the Executive Branch, to provide general legal assistance to other components of the Department, including where litigation or proposed legislation raises constitutional issues or general issues of executive authority, and to review for form and legality all Executive Orders and substantive Proclamations and Memoranda to be issued by the President, as well as all proposed Orders of the Attorney General and all regulations requiring Attorney General approval.

OLC's role in the Department's legislative program is substantial and includes drafting extensive comments on pending legislation and testimony. OLC regularly receives legislation for review from both OMB and the Department's Office of Legislative Affairs, in addition to specific requests from other agencies and the White House; the volume is high and the deadlines usually urgent. OLC also occasionally assists in the drafting of legislation.

In addition, because of its expertise in certain areas, OLC has assumed a continuing role advising other Department components, including the Office of the Solicitor General, the National Security Division, and the litigating divisions, on issues relating to, among other things, constitutional rights, national security, and immigration matters.

PERFORMANCE MEASURE TABLE

Decision Unit: Office of Legal Counsel		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Report and Performance Plan Targets															
Performance Measure	Provision of Legal Opinions on Constitutional questions from the President and Executive Branch	1700		1700		1700		1700		1700		1700		1700	
Performance Measure	Review form and legality of all proposed Executive Orders and Proclamations to be issued by the President	180		190		190		190		190		190		190	
Performance Measure															
Efficiency Measure															
OUTCOME Measure															

N/A = Data unavailable

* Denotes inclusion in the DOJ Annual Performance Plan

3. Performance, Resources, and Strategies

OLC has issued opinions or otherwise rendered legal advice touching on virtually every aspect of the Department's overall work and mission.

a. Performance Plan and Report for Outcomes

Because of the legal advisory nature of its mission and workload, OLC is not included for review in the Department's Performance and Accountability Report (PAR). This budget submission is part of the Department's Performance Plan since we are reporting targets through FY 2018. However, OLC does not have measures in the PAR.

b. Strategies to Accomplish Outcomes

Since September 11, 2001, OLC has had to realign its priorities in terms of workload and assignments in order to meet the variety of new challenges, while still endeavoring to meet its ongoing workload demands to the greatest extent possible with existing resources.

c. Priority Goals

OLC's general goals for FY 2018 are as follows:

- Provide critical legal advice to the White House, the Attorney General, other components of DOJ, and other Executive Branch agencies
- Resolve intra-Executive Branch disputes over legal questions
- Advise on litigation or proposed legislation raising constitutional issues or other legal issues of general concern to the Executive Branch
- Approve for form and legality all Executive Orders, other Presidential documents, and Orders and regulations issued by the Attorney General.

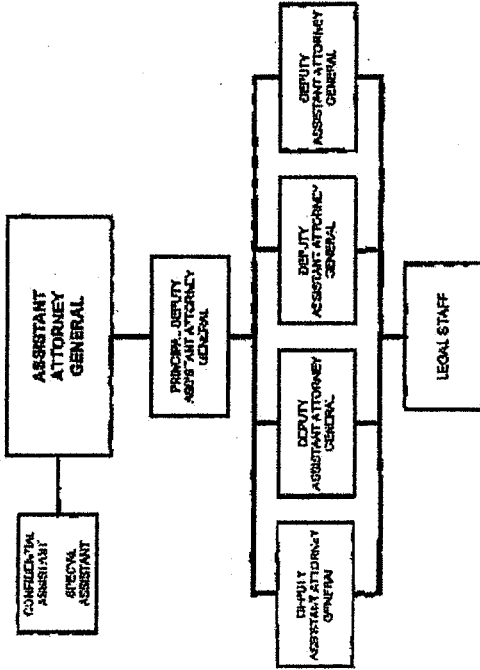
V. Program Increases by Item:

N/A

VI. Program Offsets by Item:

N/A

OFFICE OF LEGAL COUNSEL



* Executive, legal and administrative support services are cross-serviced by the Office of the Solicitor General.

Approved by:

ERIC H. HOLDER, JR.
Attorney General

Date: AUG. 23, 2012

B. Summary of Requirements
Summary of Requirements
 Office of Legal Counsel
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted 1/	33	30	7,989
Total 2016 Enacted	33	30	7,989
2017 Continuing Resolution	33	27	7,989
2017 Rescission - 0.1901%	0	0	-15
Total 2017 Continuing Resolution	33	27	7,974
Base Adjustments			
Pay and Benefits	-1	5	-31
Domestic Rent and Facilities	0	0	33
Other Adjustments	0	0	34
Total Base Adjustments	-1	5	36
Total Technical and Base Adjustments	-1	5	36
2018 Current Services	32	32	8,010
2018 Total Request	32	32	8,010
2017 - 2018 Total Change	-1	5	36

1/ FY 2016 FTE is actual

B. Summary of Requirements

Summary of Requirements
Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution			FY 2018 Technical and Base			FY 2018 Current Services			
	Positions	Actual FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Adjustments Est. FTE	Amount	Positions	Est. FTE
Office of Legal Counsel	33	30	7,989	33	27	7,974	-1	5	36	32	32	8,010
Total Direct	33	30	7,989	33	27	7,974	-1	5	36	32	32	8,010
Balance Rescission			0			0						0
Total Direct with Rescission			7,989			7,974			36			8,010
Reimbursable FTE												
Total Direct and Reimb. FTE		30			27			5				32
Other FTE:												
LEAP		0			0			0				0
Overtime		0			0			0				0
Grand Total FTE		30			27			5				32

Program Activity	2018 Increases		2018 Offsets			2018 Request			
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Office of Legal Counsel	0	0	0	0	0	0	32	32	8,010
Total Direct	0	0	0	0	0	0	32	32	8,010
Balance Rescission									0
Total Direct with Rescission			0		0				8,010
Reimbursable FTE									
Total Direct and Reimb. FTE		0			0			32	
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total FTE		0			0			32	

Justifications for Technical and Base Adjustments
 Office of Legal Counsel
 Salaries and Expenses
 (Dollars in Thousands)

	Positions		Amount
	Estimate	FTE	
Pay and Benefits			
1 2018 Pay Raise - 1.9%	0	0	112
This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The Amount requested, \$112,000, represents the pay for 3/4 of the fiscal year plus appropriate benefits (\$84,000 for pay and \$28,000 for benefits).			
2 Annualization of 2017 Pay Raise - 2.88%	0	0	45
This pay annualization represents first quarter amount (October through December) of the 2017 pay increase of 2.88% included in the 2017 Appropriation. The amount requested \$45,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$33,750 for pay and \$11,250 for benefits).			
3 Addition and/or Administrative Savings	0	0	-250
To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.			
4 Health Insurance	0	0	62
Effective January 2018, the components contribution to Federal employees' health insurance increases by 9.0 percent. Applied against the 2017 estimate of \$475,000 the additional amount required is \$62,000.			
5 Position Right-sizing Adjustment	-1	5	0
As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.			
Domestic Rent and Facilities			
1 GSA Rent	0	0	32
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$32,000 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			
2 Guard Services	0	0	1
This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$1,000 is required to meet these commitments.			
Other Adjustments			
1 Security Investigations	0	0	34
The requested increase of \$34,000 is required to meet these commitments.			
Subtotal, Domestic Rent and Facilities			33
Other Adjustments			34
Subtotal, Other Adjustments			34
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS			36

Crosswalk of 2016 Availability

Crosswalk of 2016 Availability
 Office of Legal Counsel
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover		Recoveries/Refunds		FY 2016 Availability	
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Refunds Amount	Positions	Actual FTE	Amount
Office of Legal Counsel	33	30	7,989	0	0	100	0	0	0	33	30	8,089
Total Direct	33	30	7,989	0	0	100	0	0	0	33	30	8,089
Balance Rescission			0									0
Total Direct with Rescission			0									0
Reimbursable FTE			7,989			100	0	0	0			8,089
Total Direct and Reimb. FTE		30			0						30	
Other FTE:												
LEAP FTE		0			0						0	
Overtime		0			0						0	
Grand Total FTE		30			0						30	

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
 Office of Legal Counsel
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing			Reprogramming/Transfers			Carryover Amount	Recoveries/ Refunds Amount	FY 2017 Availability		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount			Positions	Est. FTE	Amount
Office of Legal Counsel	33	27	7,974	0	0	0	0	0	33	27	7,974
Total Direct	33	27	7,974	0	0	0	0	0	33	27	7,974
Balance Rescission											
Total Direct with Rescission			7,974								7,974
Reimbursable FTE		0									0
Total Direct and Reimb. FTE		27									27
Other FTE:											
LEAP FTE		0									0
Overtime		0									0
Grand Total, FTE		27				0					27

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Office of Legal Counsel
 Services to the President
 (Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Clerical and Office Services (0300-0399)	3	0	3	0	0	0	0	3	0
Attorneys (905)	27	0	27	0	-1	0	0	26	0
Paralegal Specialist (0650)	3	0	3	0	0	0	0	3	0
Total	33	0	33	0	0	0	0	32	0
Headquarters Washington D.C	33	0	33	0	-1	0	0	32	0
US Fields	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	33	0	33	0	-1	0	0	32	0

K. Summary of Requirements by Object Class
Summary of Requirements by Object Class
 Office of Legal Counsel
 Salaries and Expenses
 (Dollars in Thousands)

Object Class	FY 2016 Actual		FY 2017 Continuing Resolution		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	30	3,228	27	3,042	32	4,151	5	1,109
11.3 - Other than full-time permanent	0	830	0	1,160	0	173	0	-987
11.5 - Other personnel compensation	0	353	0	190	0	196	0	6
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	0	0	0	0	0	0	0
Total	30	4,411	27	4,392	32	4,520	5	128
Other Object Classes								
12.1 - Civilian personnel benefits		1,226		1,131		1,104		-27
21.0 - Travel and transportation of persons		3		12		3		-9
22.0 - Transportation of things		33		34		35		1
23.1 - Rental payments to GSA		1,136		1,151		1,256		105
23.2 - Rental payments to others		56		58		56		-2
23.3 - Communications, utilities, and miscellaneous charges		126		98		102		6
24.0 - Printing and reproduction		5		4		4		0
25.2 - Other services from non-federal sources		705		499		320		-179
25.3 - Other goods and services from federal sources		258		456		472		16
25.6 - Medical care		3		3		3		0
25.7 - Operation and maintenance of equipment		12		13		13		0
26.0 - Supplies and materials		63		72		72		0
31.0 - Equipment		13		53		50		-3
Total Obligations		8,048		7,974		8,010		36
Net of:								
Unobligated Balance, Start-of-Year		0		0		0		0
Transfers/Reprogramming		-100		0		0		0
Recoveries/Refunds		0		0		0		0
Balance Rescission		0		0		0		0
Unobligated End-of-Year, Available		0		0		0		0
Unobligated End-of-Year, Expiring		41		0		0		-41
Total Direct Requirements		7,989		7,974		8,010		36
Reimbursable FTE	0		0		0		0	
Full-Time Permanent								

U.S. Department of Justice Civil Rights Division

**FY 2018 PERFORMANCE BUDGET
Congressional Justification**



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I. CIVIL RIGHTS DIVISION OVERVIEW

The Civil Rights Division (Division) at the Department of Justice (Department) protects the civil and constitutional rights of all people in this country, enforcing the Constitution and federal laws of the United States in pursuit of our founding ideals – fundamental fairness, equal justice, and equal opportunity for all. Toward that end, we strive to advance three key principles.

- *Protect the most vulnerable among us* by ensuring that all in America can live free from fear of exploitation, discrimination, and violence.

Safeguard the fundamental infrastructure of democracy by protecting the right to vote and access to justice, ensuring that communities have Constitutional policing, and protecting those who protect us.

Ensure opportunity for all people by advancing the opportunity to learn, earn a living, live where one chooses, and worship freely in one's community.

To continue these efforts, in FY 2018 the Division respectfully requests a total of \$148,125,000 to fund 593 positions – including 593 direct full time equivalents (FTE) and 369 attorneys – to protect, defend, and advance civil rights in our nation. Electronic copies of the Department's Congressional Budget Justifications, Capital Asset Plan, and Business Case Exhibits are also available online at www.justice.gov/DOJorganizations/bpp.htm.

This budget submission strives to provide detailed information and guidance to assist Congress in evaluating the Division's FY 2018 funding request. This submission provides an overview of the Division's work. Then describes justifications for the various program activities. Throughout this document, the Division illustrates its work with examples. While these examples aim to convey the impact, scope, and approach of the Division's efforts in a comprehensive manner, they do not document the entirety of its efforts.

CIVIL RIGHTS ENFORCEMENT IN FY 2018

The Civil Rights Act of 1964 established landmark protections against discrimination on the basis of race, color, national origin, sex, and religion. The Civil Rights Act built the groundwork for other critical federal civil rights statutes passed by Congress, including the Voting Rights Act of 1965, the Fair Housing Act of 1968, the Americans with Disabilities Act (ADA) of 1990, and the Shepard-Byrd Hate Crimes Prevention Act of 2009.

The Division's robust caseload serves as a stark reminder that discrimination continues to be a reality for many and that the Division plays a unique and critical role in enforcing these statutes.

In order to effectively enforce the law, the Division must constantly change and improve. That means empowering our staff to look for new and better ways of doing their jobs and ensuring that administrative services – personnel support, budget and information technology – align with



our mission. It also means effectively managing our workforce.

In May 2015, the Division launched its Innovation Initiative. The initiative's goal is to improve the Division's ability to enforce federal civil rights laws by developing and launching new ideas and actions that fundamentally improve how we do business.

The Initiative:

Empowers internal innovation;

Tackles specific "sticky" challenges using structured problem-solving methods like design thinking, lean, and behavioral science; and

Connects the Civil Rights Division to the broader community of innovators in government, academia, and industry.

The Initiative brings a strategic vision to the process of making the Civil Rights Division a more impactful, more effective, and more efficient part of government.

PROTECTING INDIVIDUALS FROM EXPLOITATION, DISCRIMINATION, AND VIOLENCE

CRIMINAL ENFORCEMENT

The Division's criminal enforcement program protects individuals from exploitation, discrimination, and violence through a range of efforts, including:

We prosecute and prevent human trafficking – a form of modern day slavery – that involves the use of force and threats as well as coercion to compel labor, services, or commercial sex acts from victims.

We combat hate crimes – violent and intimidating acts such as beatings, murders, or cross-burnings – that target an individual because of his or her race, color, national origin, religious beliefs, gender, gender identity, sexual orientation, or disability.

We protect the right to religious freedom by prosecuting violence against churches, synagogues, mosques, and other houses of worship.

We prosecute public officials, including a small minority of law enforcement officers, who abuse their positions to willfully deprive individuals of their constitutional rights by engaging in excessive force, sexual assault, illegal arrests or searches, or property theft.

We investigate unsolved civil rights era homicides under the Emmett Till Unsolved Civil Rights Crime Act of 2007.

In addition to prosecuting cases in district courts, the Division also participates in litigation in the federal courts of appeals and the U.S. Supreme Court to advance and defend its criminal enforcement work.

❖ PROSECUTING AND PREVENTING HUMAN TRAFFICKING

The Division plays a lead role in the Department's efforts to enforce laws against human trafficking, including both sex trafficking and forced labor. Working with U.S. Attorneys' Offices nationwide, the

Division leads prosecutions of complex, multi-jurisdictional, and international cases. It also spearheads coordination initiatives to strengthen the federal law enforcement response to human trafficking crimes. In addition, the Division provides national and international expertise in cases involving forced labor; sex trafficking of adults by force, fraud, and coercion; and international sex trafficking cases.

The Division continues to bring an increasing number of human trafficking cases. In fiscal years 2013 – 2016, the Division brought 357 human trafficking cases, compared to 200 in fiscal years 2009 – 2012, marking a 78.5 percent increase. This increase requires vigorous, coordinated, and creative efforts to prevent crimes, protect victims, and prosecute traffickers.

Across the government, the Division aims to bring an innovative, collaborative, and entrepreneurial approach to tackling this heinous crime. In partnership with the Departments of Homeland Security and Labor, the FBI, and the Executive Office of United States Attorneys, beginning in 2011, the Division helped launch the Anti-Trafficking Coordination Team (ACTeam) Initiative, an interagency effort to develop high-impact human trafficking investigations and prosecutions. Throughout Phase I of the Initiative, which ran from 2011 – 2013, six Phase I Pilot ACTeams in Atlanta, Georgia; El Paso, Texas; Kansas City, Missouri; Los Angeles, California; Memphis, Tennessee; and Miami, Florida formulated and implemented a coordinated, proactive, interagency federal law enforcement strategy to combat human trafficking. In these ACTeam districts, prosecutions of forced labor, international sex trafficking, and adult sex trafficking rose even more markedly than they did nationally. For example, the number of defendants convicted rose 86 percent in ACTeam districts, compared to 14 percent in non-ACTeam districts, and 26 percent nationwide. To build on this effective program, in December 2015, the Department announced the locations for six new ACTeams to lead Phase II of the Initiative: Cleveland, Ohio; Minneapolis, Minnesota; Newark, New Jersey; Portland, Maine; Portland, Oregon; and Sacramento, California.

The Division also recognizes that human trafficking requires coordination beyond our borders. The Division leads the U.S.-Mexico Human Trafficking Bilateral Enforcement Initiative, which has contributed significantly to protecting the rights and dignity of victims through outreach, interagency coordination, international collaboration, and capacity building in both countries. U.S. and Mexican law enforcement authorities have worked together to dismantle sex trafficking networks operating across the U.S.-Mexico border, prosecuting members of those networks and securing substantial sentences under both U.S. and Mexican law, while rescuing victims and recovering victims' children from the trafficking networks' control. This initiative has established enduring partnerships, bringing together law enforcement agencies and non-governmental organizations across international lines to vindicate the rights of dozens of sex trafficking victims.

Strategic law enforcement partnerships such as the ACTeam Initiative and the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative – combined with highly successful outreach, training, and capacity-building efforts – have substantially increased the Division's workload related to prosecuting and preventing human trafficking. In particular, these coordination initiatives and outreach efforts have enhanced case identification capacity, generating a high volume of complex trafficking cases that often require the Division's unique expertise and coordination among multiple districts and law enforcement agencies.

❖ COMBATING HATE CRIMES

Hate crimes leave a devastating effect beyond the physical injury inflicted on the victim. They reverberate through families, communities, and the entire nation, as others fear that they too could suffer criminal threats or violence simply because of what they look like, where they worship, whether they have a disability, or because of their sexual orientation.

In 2009, Congress passed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. This law added new federal protections against crimes based on gender, disability, gender identity, or sexual orientation and removed unnecessary jurisdictional obstacles that interfered with our prosecution of racially and religiously motivated violence.

In FY 2016 and the first part of FY 2017, the Division charged 10 defendants and won seven convictions under the Shepard-Byrd Act. In FY 2016, prosecutors from the Criminal Section and the United States Attorney's Office for the District of South Carolina obtained convictions in the trial of Dylann Roof, on a 33-count indictment. He was charged with federal hate crimes and firearms charges for killing and attempting to kill African-American parishioners at Emanuel African Methodist Episcopal Church in Charleston, South Carolina, because of their race and in order to interfere with that exercise of their religion. The indictment charges that, on June 17, 2015, while parishioners at Mother Emanuel were engaged in religious worship and Bible study, Roof drew a pistol and opened fire on them, ultimately killing nine church members. Roof was convicted and the jury voted to sentence him to death, a sentence which has been imposed by the court but not yet carried out.

The Division also enforces federal criminal statutes that prohibit violence against houses of worship and against individuals practicing their religion. The Church Arson Prevention Act, 18 U.S.C. 247 (Section 247), criminalizes the intentional obstruction by force, or threat of force of any person in the enjoyment of that person's free exercise of religious beliefs. Other criminal provisions of the United States Code prohibit threats in interstate commerce and threats to kill or destroy property by fire or explosions.

The Division has a long history of enforcing these laws. Over the last decade, the Division has prosecuted approximately 31 cases involving damage to and threats against houses of worship and religious communities. For example, in FY 2016 and 2017, the Division:

Charged an Idaho man with arson of a Catholic Church in Bonners Ferry, Idaho;

Working with the FBI, the Division investigated a series of threats against Jewish community centers, day schools and synagogues;

- In partnership with U.S. Attorneys' Offices, convicted a Connecticut man for firing a high-powered rifle at a mosque and a Florida man for threatening to firebomb two mosques and shoot their congregants.

CIVIL ENFORCEMENT

The Division's civil enforcement work includes extensive efforts to protect individuals in institutions from exploitation, discrimination, and violence, including:

We investigate and litigate cases involving egregious abuse of prisoners, including the sexual abuse of female prisoners; and,

We investigate and litigating cases aimed at preventing the unnecessary incarceration of children.

The Division pursues these cases through enforcement of the Civil Rights of Institutionalized Persons Act (CRIPA). CRIPA, passed by Congress in 1980, protects the rights of people in state or local correctional facilities, nursing homes, mental health facilities, and institutions for people with intellectual and developmental disabilities. The Division brings a variety of cases under CRIPA each year, including those that focus on the sexual abuse of individuals in institutions. For example, in late-FY 2015, the Division entered into a settlement to protect prisoners at the Julia Tutwiler Prison for Women in Wetumpka, Alabama, from sexual victimization by correctional officers. The settlement followed the

Department's issuance of a findings letter, concluding that Tutwiler subjects women prisoners to a pattern and practice of sexual abuse in violation the Eighth Amendment of the U.S. Constitution. The findings identified several systemic failures that led to the pattern of abuse, including ineffective reporting and investigations and no grievance policy. Tutwiler also failed to hold culpable staff accountable for abuses.

SAFEGUARDING THE FUNDAMENTAL INFRASTRUCTURE OF DEMOCRACY

The Division's civil enforcement work strives to protect rights guaranteed by the Constitution and federal laws across a range of areas critical to maintaining the legitimacy of our democracy, including the following.

- We protect the voting rights of all Americans, including minorities, people with disabilities, individuals who need language assistance, servicemembers serving away from home, and American citizens living overseas.
- We protect those who protect us by vigorously pursuing employment, housing, credit, voting, and other cases on behalf of service members.

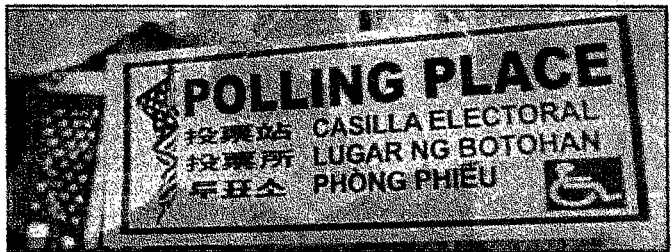
❖ PROTECTING VOTING RIGHTS

The Division enforces several federal statutes that are intended to protect Americans' voting rights. These include the Voting Rights Act of 1965, the National Voter Registration Act (NVRA), the Help America Vote Act (HAVA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and the Military and Overseas Voter Empowerment Act (MOVE Act). It also enforces provisions of the Americans with Disabilities Act (ADA) that seek to ensure that people with disabilities can access voting places.

The Division also monitors elections for compliance with federal law. In the November 2016 general election, the division coordinated the deployment of more than 500 personnel to monitor elections in 67 jurisdictions in 28 states for compliance with the federal voting rights laws.

Through enforcement of the National Voter Registration Act (NVRA), the Division requires that states comply with federal law by providing voter registration opportunities to citizens applying for or renewing their driver licenses. In FY 2016, the division reached comprehensive settlements with the state of Alabama and the state of Connecticut to ensure compliance with the NVRA's voter registration provisions.

The Division also works to protect the voting rights of Alaska Natives and Native Americans, as well as voters who need language assistance. Over the last several years, the Division has taken a number of steps to protect such voters. This has included filing



several statements of interest and amicus briefs in cases involving the voting rights of Native Americans

and Alaska Natives. The Division has monitored elections in jurisdictions with significant populations of Native American and Alaska Native voters. The Division has also brought and resolved several lawsuits to ensure voting access for limited English proficient (LEP) Spanish-speaking voters.

The Division continues its efforts to protect the rights of voters with disabilities. In addition to protections under the Voting Rights Act, Title II of the ADA requires jurisdictions to ensure that polling places and voting systems remain accessible to people with disabilities. This obligation extends to all voting activities carried out by jurisdictions, including registration, early voting, and voting at the polls on election day. Election officials must provide physically accessible polling places, modify policies as needed to provide access to the polls, and ensure effective communication with people with disabilities. Jurisdictions also must not implement voter eligibility requirements that disenfranchise voters because of intellectual or mental disabilities.

Finally, the Division vigorously safeguards the voting rights of service members. In 2009 Congress enacted the Military and Overseas Voter Empowerment Act (MOVE Act), which made broad amendments to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Among the new protections was a requirement that states transmit absentee ballots to voters covered under UOCAVA, by mail or electronically at the voter's option, no later than 45 days before federal elections. Since the law's 2010 effective date, the division has obtained numerous court orders or agreements to obtain compliance with the Act throughout the country and help ensure that military service members, their families and U.S. citizens living overseas have the opportunity to participate in all federal elections. For example, for the 2010 federal general election, the Division obtained court orders, court-approved consent decrees or out-of-court letter or memorandum agreements in 11 states, two territories and the District of Columbia. In subsequent cases, the Division obtained favorable judgments in cases against New York, Alabama and Georgia to ensure compliance with UOCAVA.

❖ PROTECTING THOSE WHO PROTECT US



Servicemembers defend the security and freedom of our nation at great personal sacrifice. When their duties call them away from home, the Division stands ready to protect their rights. We vigorously enforce federal laws that protect servicemembers' right to vote when stationed away from home, their right to return to work after their military service, their right to live free from financial exploitation while on active duty, and

their right to reasonable accommodation when they have a disability. Many servicemembers rely on the Division to bring cases in situations where they otherwise could not find or afford private attorneys.

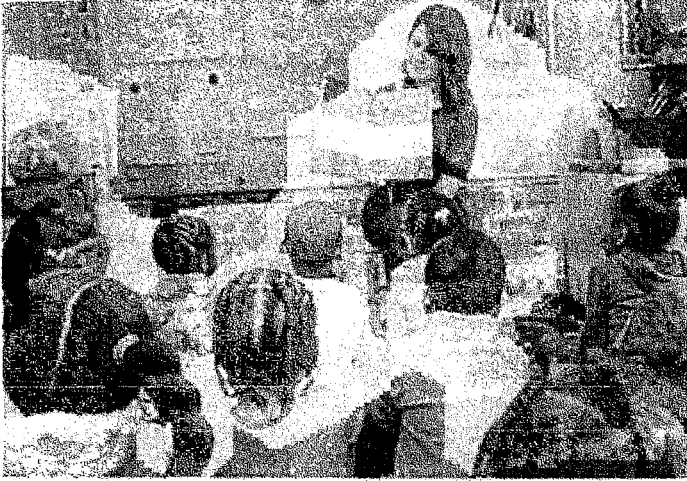
The Division's work on behalf of service members includes aggressive enforcement of UOCAVA (described above), the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the Service members Civil Relief Act (SCRA). Congress passed USERRA in 1994 to ensure that service

members can return to their civilian jobs when they complete their military service. The SCRA provides protections in housing, credit, and taxes for military members who are on active duty.

ENSURING EQUAL OPPORTUNITY FOR ALL PEOPLE

The Division's civil enforcement work also includes enforcement of federal laws designed to ensure equal opportunity for all people across a range of areas, from education, to the workplace, to housing.

❖ EXPANDING EQUAL OPPORTUNITY IN EDUCATION



The Division enforces federal laws designed to ensure equal educational opportunities for all of our nation's students, including laws that protect students from discrimination because of their race and national origin, such as Title IV of the Civil Rights Act of 1964. The Division also works with school districts operating under desegregation consent decrees with the United States to

implement the necessary relief to ensure that students of all races have equal access to resources and opportunities and then return schools to the control of local government.

The Division enforces the Equal Educational Opportunities Act of 1974 and Title VI of the Civil Rights Act of 1964, which ensure that English Learner (EL) students receive an education that meets their needs. Without direct and effective instruction to help them learn English, EL students risk falling behind in their classes, which can lead to missed opportunities for advanced course offerings, extracurricular activities, on-time graduation, and college readiness.

The Division also seeks equal educational opportunity for students with disabilities. In these cases, the Division seeks to ensure compliance with federal laws that require integration of students with disabilities into general education programs and the elimination of barriers to learning and participating in school and community activities.

❖ PROTECTING U.S. WORKERS FROM DISCRIMINATION

The ability to earn a living and climb the economic ladder defines the American dream. Yet in too many cases, employees still face unequal treatment due to their race, sex, national origin, citizenship or immigration status, religion, or disability.



The Division works to protect the rights of U.S. workers. This includes protecting native-born and naturalized U.S. citizens from employment discrimination because

of their citizenship status. It also includes enforcement actions against companies that deny employment to work-authorized individuals or subject those individuals to discriminatory employment eligibility verification procedures. Such unfair employment practices have a devastating impact on workers and violate the anti-discrimination provision of the Immigration and Nationality Act (INA).

The Division brings a wide range of employment discrimination cases, including those addressing sexual harassment and discrimination on the basis of sex, pregnancy, race and religion. The Division brings these cases under Title VII of the Civil Rights Act of 1964 (Title VII) and the Americans with Disabilities Act (ADA).

❖ PROTECTING THE RIGHT OF RELIGIOUS FREEDOM

In addition to prosecuting violence against houses of worship and religious communities, the Division seeks to protect the right to religious worship through its enforcement of Religious Land Use and Institutionalized Persons Act (RLUIPA). RLUIPA bars local governments from using zoning and land use rules that discriminate against religious communities and houses of worship. It also prohibits state and local institutions like jails, prisons, juvenile facilities, and government institutions housing people with disabilities from placing arbitrary or unnecessary restrictions on religious practice.

The Division has enforced RLUIPA in a wide range of situations involving local governments that have denied religious communities the right to build churches, synagogues and mosques. The Division has also enforced RLUIPA to protect the rights of individuals in institutions to pray, observe kosher diets, and have access to religious publications.

❖ EXPANDING EQUAL OPPORTUNITY IN HOUSING AND LENDING



A family's access to housing determines far more than where it can live. It affects access to strong schools, quality transportation, and good jobs. Almost five decades after the passage of the Fair Housing Act, housing discrimination continues to harm communities across the country. Far too many home seekers encounter prejudice, stereotypes, and discrimination that limit where there can live.

Each fiscal year, the Division brings numerous cases alleging discrimination on the basis of race, sex, national origin, and religion in violation of the Fair Housing Act. Over the last several years, the Division has filed a number of cases involving egregious sexual harassment of female tenants and women seeking public housing assistance. For example, in July 2015, the Division entered into a settlement with Southeastern Community and Family Services,

Inc. (SCFS), a public housing agency that administers the Section 8 voucher program in Scotland County, North Carolina, and two of SCFS' former employees. The defendants agreed to pay more than \$2.7 million in monetary damages and civil penalties to settle consolidated Fair Housing Act lawsuits alleging egregious sexual harassment of women seeking public housing assistance. This is the largest settlement ever agreed to in a sexual harassment case brought by the Justice Department under the Fair Housing Act.

The Division also enforces federal law to ensure that all qualified borrowers have equal access to fair lending. The Division pursues this work through enforcement of the Fair Housing Act, the Equal Credit Opportunity Act, and the Service members Civil Relief Act.

❖ PROVIDING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

Even 25 years after the passage of the ADA, individuals with disabilities still face significant barriers to education, public places, and essential services. The Division protects the rights of students; individuals seeking access to hotels, restaurants, and movie theaters; as well as individuals who need sign language or other services when at a doctor, hospital, or local government agency. We also ensure that parents and prospective parents with disabilities have equal access to parenting opportunities.



❖ **BOLSTERING COMPLIANCE THROUGH COLLABORATION, COORDINATION, TECHNICAL ASSISTANCE, AND OUTREACH**

The Division uses collaboration, coordination, technical assistance, and outreach to bolster compliance with federal civil rights laws. The Division uses outreach, technical assistance, and trainings to educate the public about civil rights laws and promote voluntary compliance by companies and state and local governments.

The Division uses collaboration, coordination and outreach to achieve Division and Department priorities. In April 2017, Attorney General Sessions released details about the Department's Task Force on Crime Reduction and Public Safety, which he created on February 27th. The Attorney General highlighted that the Hate Crimes Subcommittee of the task force is one of the four subcommittees through which the Task Force will do its work. In June, the Task Force will hold a summit on violent crime.

The Division's criminal and civil enforcement work relies on critical partnerships with other federal enforcement agencies; United States Attorneys' Offices; state, local, tribal, and foreign governments; and international organizations. Examples of our work in this area include the following.

The Division's close working relationships with U.S. Attorneys' Offices, in addition to enforcing other federal civil rights laws, have helped rescue human trafficking victims and put traffickers in prison. During FY 2016, the number of human trafficking leads and complaints reviewed by the Division significantly exceeded the target by 70%. Based upon year-to-date information, FY 2017 is likely to end with a similar result.

The Division has Memoranda of Understanding with the Equal Employment Opportunity Commission (EEOC) to further the goals of Title VII of the Civil Rights Act of 1964, as well as the ADA and the Genetic Information Nondiscrimination Act of 2008 (GINA), in prohibiting employment discrimination in the state and local government sector. The MOUs include provisions for the coordination of the investigation of charges alleging violations of Title VII, the ADA, or GINA, while respecting the distinct responsibilities and enforcement priorities of each agency. Since the agencies began coordinating on charges, the Division has examined more than 300 charges for potential collaboration.

Since 2015, the Division has entered into several memoranda of understanding (MOUs) with foreign governments aimed at educating work-authorized immigrant workers about anti-discrimination law and creating a system of complaint referrals. Under the MOUs – with Ecuador, El Salvador, Honduras, Mexico, and Peru – the division will participate in events sponsored by the embassies and consulates aimed at educating workers about their workplace rights and train consular staff on anti-discrimination law so that they can better assist their communities. The embassies, in turn, will establish a system for referring discrimination complaints from consulates to the division. To date, the division has conducted six formal trainings and outreach sessions with consular offices around the country and has received several referrals from embassies and consulates.

The Division uses technical assistance and training to help individuals and organizations understand their rights and responsibilities under federal law. In some circumstances, federal law requires the Division to provide technical assistance to the public to promote voluntary compliance with federal antidiscrimination laws. Examples include:

The ADA requires the Division to provide technical assistance to businesses, state and local

governments, people with disabilities, non-profit agencies, and others who have responsibilities or rights under Titles II and III of the ADA. To carry out this mandate, the Division creates and disseminates an array of technical assistance materials; operates a nationwide toll-free ADA Information Line and the ADA website; provides educational presentations and training sessions; and engages in outreach targeted to businesses, state and local governments, and people with disabilities. The Division's Technical Assistance Program strives to provide accurate, understandable, and timely information to people across the country, to increase understanding of, and voluntary compliance with, the ADA. In FY 2015 and 2016, the ADA Information Line responded to more than 105,511 calls, and the ADA website received close to 37.8 million hits. The Division provided outreach and education to covered entities and people with disabilities on the requirements of the ADA. In FY 2016, we presented 47 speeches, workshops, and training sessions to a combined audience of more than 11,312 people.

The Division has conducted an extensive, nationwide public outreach campaign to educate workers, employers, and concerned organizations about the anti-discrimination provision of the INA. In FY 2016, the Division participated in more than 234 public outreach sessions and webinars and handled more than 5,951 calls through its employer and worker hotlines.

II. APPROPRIATIONS LANGUAGE AND ANALYSIS OF APPROPRIATIONS LANGUAGE

Please refer to the General Legal Activities Consolidated Justifications.

Analysis of Appropriations Language

There are no changes in the 2018 General Legal Activities language.

III. PROGRAM ACTIVITY JUSTIFICATION

A. Civil Rights Division Decision Unit

1. Program Description

Civil Rights Division	Permanent Positions	Estimated FTE	Amount
2016 Enacted	714	552	148,239
2017 Continuing Resolution	714	606	\$147,957
Adjustments to Base and Technical Adjustments	-121	-13	168
2018 Current Services	593	593	148,125
2018 Request	593	593	\$148,125
Total Change 2017-2018	-121	-13	\$ 168

Established in 1957, the Division is comprised of 11 program-related sections, as well as the Professional Development Office, the Office of Employment Counsel, and the Administrative Management Section. A description of the Division's responsibilities and activities, as well as accomplishments for its program-related sections, is presented below.

The Division is a single decision unit within the General Legal Activities appropriation and is led by the Assistant Attorney General (AAG) for Civil Rights. A principal deputy assistant attorney general and four deputy assistant attorneys general work with the AAG to supervise the Division's criminal and civil enforcement.

The Division's workforce is organized into the following units:

- Criminal Section
- Appellate Section
- Disability Rights Section
- Educational Opportunities Section
- Employment Litigation Section
- Federal Coordination and Compliance Section

- Housing and Civil Enforcement Section
- Immigrant and Employee Rights Section (formerly Office of Special Counsel for Immigration-Related Unfair Employment Practices)
- Policy Section
- Special Litigation Section
- Voting Section

The Division is responsible for criminal and civil enforcement under a number of statutes. The Appendix provides a summary of each of the criminal and civil statutes enforced by the Civil Rights Division and identifies the litigating section responsible for enforcing each statute.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE									
DECISION UNIT: CIVIL RIGHTS DIVISION									
RESOURCES									
		Projected		Actual		Projected		Requested (Total)	
		FY 2016		FY 2016		FY 2017		FY 2018 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Total Costs and FTE <small>(Reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)</small>		300	\$148,330 (\$25,419)	278	\$135,178	400	\$147,957 (\$21,435)	446	\$148,125 (\$22,243)
PERFORMANCE		FY 2016		FY 2016		FY 2017		FY 2018 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	Civil Rights	300	\$148,330 (\$25,419)	278	\$135,178	400	\$147,957 (\$21,435)	446	\$148,125 (\$22,243)
Performance Measure	Number of human trafficking leads and concerns reviewed by the Human Trafficking Prosecution Unit	158		158		158		N/A	N/A
Performance Measure	Number of matters opened concerning human trafficking	NA		NA		NA		NA	NA
Performance Measure	% of criminal cases favorably resolved	85		85		85		85	85
Performance Measure	% of civil cases favorably resolved	85		85		85		85	85

Data Definition, Validation, Verification, and Limitations: The data source for all measures is an internal system within CRT. Data is compiled on the level of effort that attorneys and professionals dedicate to matters and case-related tasks. Senior management is responsible for ensuring the accuracy of the data and reports have been developed to support Division performance.

PERFORMANCE MEASURE TABLE							
CIVIL RIGHTS DIVISION							
Performance Report and Performance Plan Targets		FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
		Actual	Actual	Actual	Actual	Target	Actual
Performance Measure	No. of trainings on human trafficking conducted for federal, state, and local law enforcement, NGOs, and international trafficking partners.				32		NA
Performance Measure	Number of matters opened concerning human trafficking		161	161	NA	NA	NA
Performance Measure	Number of human trafficking leads and complaints reviewed by Human Trafficking Prosecution Unit				268	158	
Performance Measure	Percent of criminal cases favorable resolved	94	99	99	85	85	85
Performance Measure	Percent of civil cases favorable resolved	84	88	90	98	85	85

3. Performance, Resources, and Strategies

PROTECTING INDIVIDUALS FROM EXPLOITATION, DISCRIMINATION, AND VIOLENCE

Criminal Enforcement

The Criminal Section's career prosecutors continue to achieve remarkable results, keeping pace with the record-setting levels of productivity and effectiveness demonstrated in recent years. Each year, the Division receives more than 10,000 complaints alleging criminal interference with civil rights. In FY 2016, the Division filed a record 161 cases. Furthermore, the Division filed 32 percent more criminal civil rights prosecutions in the last six fiscal years (830 indictments in FY 2011 – FY 2016) than the previous six years (628 indictments in FY 2005 – FY 2010), without an increase in staff.

In FY 2015 and FY 2016, the Division exceeded its performance goals.

During those two years, the Division, in conjunction with United States Attorneys' Offices, charged 623 defendants with criminal civil rights violations.

In fiscal years 2015 and 2016, the Division filed 312 criminal civil rights cases, the highest number compared with any other two-year period since counting began in 1993.

In fiscal years 2015 and 2016, the Division filed 192 human trafficking cases, the highest number in any two-year period since counting began in 1993.

In the eight years since the passage of the Shepard-Byrd Hate Crimes Prevention Act, the Division has charged 74 defendants and won 49 convictions under this statute. In total, the Division has prosecuted 255 defendants for hate crimes under multiple statutes over the last seven years, an eight percent increase over the prior eight year period.

The Division leads the Department's law enforcement response to threats and intimidation against houses of worship and individuals seeking to exercise their religious beliefs. Over the last decade, the Division has prosecuted 35 defendants accused of interfering with religious exercise through violence against persons or arson, threats or vandalism of houses of worship, and secured 29 convictions.

Working with our U.S. Attorney colleagues, since 9/11, the Division has investigated more than 1,000 incidents involving acts of violence, threats, assaults, vandalism, and arson targeting Arab, Muslim, Sikh, and South Asian Americans, as well as individuals perceived as members of these groups, prosecuting dozens of these cases to the fullest extent of the law.

- While achieving these record results, the Division's Criminal Section has also operated its cold case initiative, pursuant to the Emmett Till Cold Case Act of 2007, in which Section prosecutors have reviewed voluminous evidence in more than 67 civil rights era

unsolved hate crime homicides.

❖ CASE EXAMPLES: PROSECUTING HUMAN TRAFFICKING

Florida Man Convicted of Sex Trafficking in Connection with Human Trafficking Scheme Targeting Foreign University Students. In November 2016, a Florida man was convicted on all 11 counts for organizing a scheme to lure foreign university students into the United States under false pretenses of legitimate summer jobs, only to advertise the students to customers of his prostitution and erotic massage enterprise. He was convicted of sex trafficking and attempted sex trafficking by fraud, wire fraud, importation of persons for prostitution or immoral purposes and use of a facility of interstate commerce to operate a prostitution enterprise. A jury in the Southern District of Florida returned the verdict after four days of trial.

Heroin Dealer Convicted by Jury of Sex Trafficking and Drug-Related Offenses. In July 2016, a Wisconsin man was convicted by a federal jury of three counts of sex trafficking by force, threats of force or coercion; one count of conspiracy to engage in interstate transportation for prostitution; one count of interstate transportation for prostitution; one count of maintaining a property for drug trafficking; one count of using a firearm in furtherance of drug trafficking and one count of witness retaliation. The defendant sold heroin and used violence, threats and coercion to compel three young heroin-addicted women to prostitute for his profit in Wisconsin and Minnesota.

❖ CASE EXAMPLES: COMBATING HATE CRIMES

Prosecuted First Case under Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act Where Victim was Targeted Because of Gender Identity. In December 2016, Joshua Brandon Vallum, 29, of Lucedale, Mississippi, pleaded guilty to a federal hate crime for assaulting and murdering Mercedes Williamson because she was a transgender woman. Williamson was 17 years old and resided in Alabama at the time of her death. Vallum was charged with violating the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act.

Convicted Defendant for Setting Fire to Missouri Mosque. In April 2016, a man pleaded guilty to a federal hate crime for setting a fire that destroyed the Islamic Society of Joplin mosque. The defendant admitted that he set fire to the mosque because he does not like the Islamic religion. As a direct result of the fire, many donations made during the Muslim holy period of Ramadan were destroyed.

Secured a guilty plea from Klamath, Oregon man who threatened a family because they were Vietnamese. In May 2016, John Blayne Vangastel pleaded guilty to one count of using threats of force to injure, intimidate and interfere with his neighbors in the enjoyment of their housing rights because they are a family of Vietnamese descent. Vangastel admitted that he forcibly blocked the family's front gate to block them from parking on their property, told a family member to "push [him] off the property" and raised his balled up his fist as though he was going to assault one of the female family members. He further admitted that he repeatedly tried to instigate a fight with the rest of the family, threatening to hit them and making comments like, "You are trash;" "You are not even white;" and "You smell like salmon-fish." He also told the family something to the effect of, "I'll beat you because you are Asian," and "You [expletive] Vietnamese – you don't deserve to live here." The incident was the culmination of Vangastel's repeated intimidation of his neighbors, who had lived at their residence for 20 years without incident. As a result of Vangastel's conduct, the family became so fearful that they moved out of their home.

Civil Enforcement

The Division's Special Litigation Section works to protect the rights of children and adults in institutional settings, including nursing homes, mental health institutions, juvenile detention centers, and prisons.

❖ CASE EXAMPLES: PROTECTING THE RIGHTS OF CHILDREN AND ADULTS IN INSTITUTIONS

Reached Settlement to Reform Criminal Justice System in Hinds County, Mississippi. In June 2016, the division reached a landmark settlement agreement to reform the criminal justice system in Hinds County, Mississippi. The agreement resolves the division's findings that the Hinds County Adult Detention Center and the Jackson City Detention Center – which together form the Hinds County Jail – failed to protect prisoners from violence and excessive force and held them past their court-ordered release dates, in violation of the Civil Rights of Institutionalized Persons Act (CRIPA).

Announced a Statewide Investigation into Conditions in Alabama's Prisons for Men. In October 2016, the Division opened a statewide investigation into the conditions in Alabama's prisons for men. The investigation focuses on whether prisoners are adequately protected from physical harm and sexual abuse at the hands of other prisoners; whether prisoners are adequately protected from use of excessive force and sexual abuse by correctional officers; and whether the prisons provide sanitary, secure and safe living conditions.

SAFEGUARDING THE FUNDAMENTAL INFRASTRUCTURE OF DEMOCRACY

Protecting the Right to Vote

The Division's Voting Section brings affirmative litigation to enforce federal voting laws and defends the United States when it faces lawsuits over voting matters. Every year, the Voting Section also monitors elections in jurisdictions around the country. In FY 2016, the Division sent over 500 election observers to 26 jurisdictions for the November general election.

In addition, the Division's Disability Rights Section enforces the ADA's requirements to ensure equal access to polling places and the election process for people with disabilities.

❖ CASE EXAMPLES: PROTECTING VOTING RIGHTS

Reached major National Voting Registration Act Settlement with State of Connecticut. In August 2016, the Division entered into a settlement agreement with the State of Connecticut to require the State to ensure that voter registration opportunities are provided to citizens applying for or renewing their drivers' licenses, or updating their addresses for drivers' license purposes, whether in person or remotely, in the manner required by the NVRA.

Launched ADA Voting Initiative. In 2015, the division, partnering with U.S. Attorneys across the nation, launched the ADA Voting Initiative to ensure that people with disabilities have an equal opportunity to participate in the voting process, including in the 2016 presidential elections. The ADA Voting Initiative covers all aspects of voting, from voter registration to casting ballots at neighborhood polling places. Through this initiative, more than 1,300 polling places have been surveyed to identify barriers to access.

Reached Agreement to Protect the Rights of Spanish-Speaking Voters in Napa County, California. In June 2016, the division reached an agreement with Napa County, California, to ensure compliance with provisions of the Voting Rights Act that required the county to provide bilingual election materials and information in Spanish to voters. The Voting Rights Act requires that jurisdictions determined by the Census Bureau to have a substantial population of minority-language citizens with limited English proficiency, like Napa County through 2016, provide voting materials and assistance in the minority language as well as in English. The division has reached similar types of agreements with other jurisdictions in recent years to protect the rights of limited English proficiency voters.

Protecting Those Who Protect Us

Three sections of the Civil Rights Division – Employment Litigation, Housing and Civil Enforcement, and Voting – enforce statutes designed to protect servicemembers from civil rights violations. In addition, the Disability Rights Section brings cases involving servicemembers who face discrimination because of their disability.

❖ CASE EXAMPLES: PROTECTING THOSE WHO PROTECT US

Brought Enforcement Actions to Protect the Employment Rights of Service members. In FY 2016, the Division brought a number of enforcement actions to protect the employment rights of service members. The Division reached a settlement agreement with Laborers Local No. 1149, based in Wheeling, West Virginia, resolving claims that the union violated the Uniformed Services Employment and Reemployment Rights Act (USERRA) when it failed to reinstate U.S. Army National Guardsman Elliot Ferrell as an apprentice laborer after his return from three months of basic training in 2014. In February 2016, it entered into a settlement with the Commonwealth of Massachusetts and the City of Somerville, Massachusetts to resolve claims that the city violated the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) when it failed to re-employ U.S. Marine Corps Reservist Sean Keane at the level he should have been in following his multiple military deployments, including tours of duty to Afghanistan. In September 2016, it sued BioFusion Health Products Inc., a business with headquarters in Rapid City, South Dakota, for violating the employment rights of former South Dakota Air National Guard Senior Airman Amber M. Ishmael. The Division alleged that Ishmael’s military service was a motivating factor in BioFusion’s decision to both deny her request for reemployment and ultimately terminate her employment.

Obtained over \$4.1 million to resolve allegations that Wells Fargo Dealer Services illegally repossessed 413 cars owned by protected service members. The department launched an investigation after it received a complaint in March 2015 from the U.S. Army’s Legal Assistance Program alleging that Wells Fargo had repossessed Army National Guardsman Dennis Singleton’s used car in Hendersonville, North Carolina, while he was preparing to deploy to Afghanistan to fight in Operation Enduring Freedom. After Wells Fargo repossessed the car, it sold it at a public auction and then tried to collect a deficiency balance of over \$10,000 from Singleton and his family. In October 2014, while seeking assistance with debt consolidation, Army National Guardsman Singleton met with a National Guard attorney, who informed him of his rights under the SCRA. The attorney requested information from Wells Fargo about the original loan and repossession, and asked for copies of the correspondence and payment history. The attorney never received a response from Wells Fargo. The department’s subsequent investigation corroborated Singleton’s complaint and found a pattern of unlawful repossessions spanning over more than seven years.

Obtained \$200,000 in relief against housing provider that unlawfully evicted active-duty service members and their families in violation of the SCRA. The Division sued Lincoln Military Housing, which owns and operates dozens of on-base and off-base military housing communities throughout Southern California, for unlawfully evicting active-duty service members and their families. This is the

first case that the Justice Department has filed alleging the unlawful eviction of service members from their homes.

EXPANDING OPPORTUNITY FOR ALL PEOPLE

Expanding Equal Opportunity in Education

In FY 2015 and 2016, the Educational Opportunities Section continued its vigorous efforts to protect students from discrimination and harassment in public schools and universities. The Section's accomplishments include the following.

- We resolved 25 cases to protect the rights of students.
- We opened 28 investigations of alleged discrimination on the basis of race, national origin, sex, religion, disability, and language services.
- We negotiated 9 agreements to protect the rights of English learner students.
- We enforced, and/or monitored, approximately 163 school desegregation cases involving the United States as a party.

In addition, the Educational Opportunities Section works independently and with the Disability Rights Section to protect the rights of students with disabilities, and the Special Litigation Section works to protect the rights of youth in juvenile justice institutions. The Division's Appellate Section, which handles criminal and civil appeals in federal courts, also works with the Educational Opportunities Section to protect the rights of students.

❖ CASE EXAMPLES: EXPANDING EQUAL OPPORTUNITY IN EDUCATION

In September 2016, the Division announced that it has terminated its January 2012 settlement agreement with the Mercer County, West Virginia, School District following the district's successful implementation of programs and services for its English Learner (EL) students. After entering into the settlement agreement under the Equal Educational Opportunities Act (EEOA) of 1974, the district implemented a process whereby every new student completed a home language survey so that all students with non-English speaking backgrounds were timely identified; had their English proficiency assessed; and if they were not proficient, were provided with individualized English language services and supports. The district also implemented a new curriculum for the instruction of EL students, improved its teacher training, carefully monitored the academic progress of current and former EL students and enhanced its communications with limited-English proficient families.

Ensuring Equal Opportunity in the Workplace

Three sections of the Division – Employment Litigation, Disability Rights, and Immigration and Employee Rights (formerly Office of Special Counsel for Immigration-Related Unfair Employment Practices) – work to prevent and address workplace discrimination on the basis of race, national origin, sex, religion, disability, and immigration status. During FY 2016, the Division continued its ongoing efforts to ensure equal employment opportunity for all individuals. The Division's employment enforcement activities include the following.

We are litigating 12 suits and enforcing 24 settlements that cover a wide range of claims, including discrimination based on race, national origin, sex, religion, retaliation, and discrimination in compensation and hiring.

We collected a record-breaking \$29 million in back pay and civil penalties from employers for violations of the anti-discrimination provision of the INA. We are litigating 5 cases and monitoring 155 settlement agreements.

Under Title I of the ADA, we are litigating 12 cases and entered into 6 settlements enforcing the rights of individuals with disabilities to be hired free of discrimination and to receive reasonable accommodations to perform their jobs.

❖ CASE EXAMPLES: EXPANDING EQUAL OPPORTUNITY IN THE WORKPLACE

In March 2016, the division reached a settlement with Barrios Street Realty Inc., which contained unprecedented relief. The agreement resolved claims that the company and a third party agent discriminated against U.S. workers by failing to consider them for positions and hiring temporary foreign workers under the H-2B visa program instead. Under the agreement, Barrios Street Realty was required to create a back pay fund of \$115,000 to compensate U.S. workers and pay \$30,000 in civil penalties. In addition, the company agreed to a voluntary three-year debarment from the H-2B visa program – the first time in its history that division has secured such relief.

In June 2016, the Division entered into a settlement with 121 podiatry residency programs and the American Association of Colleges of Podiatric Medicine (AACPM), effectively stopping an entire industry from engaging in discriminatory job advertising. The division's investigation found that between 2013 and 2015, more than 100 podiatry residency programs and AACPM published discriminatory postings for podiatry residents through AACPM's online podiatry residency application and matching service. The division determined that hundreds of job postings limited podiatry residency positions to U.S. citizens even though there was no legal authorization for the citizenship requirement. In addition to securing over \$200,000 in civil penalties, the settlement agreement required all of the programs and AACPM to change their hiring practices, policies and procedures to ensure non-discrimination.

In December 2015, a federal jury in Honolulu found that the state of Hawaii and the Hawaii Department of Transportation's Airports Division (HDOF) discriminated against former employee Sherry Valmoja by subjecting her to sexual harassment. The evidence presented at trial showed that during her employment as an explosives detection canine handler at the Honolulu International Airport, Valmoja was subjected to sexual harassment in the form of lewd and unwelcome comments and physical intimidation by a co-worker. The jury awarded Valmoja \$38,000 to compensate her for the pain and suffering she endured because of the harassment.

Brought several suits to protect women from sex and pregnancy discrimination. Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of sex and pregnancy. In August 2016, the division filed a lawsuit alleging that New Mexico State University and its Board of Regents discriminated against a female former assistant track coach on the basis of sex by paying her less than similarly-situated men. In 2016, the Division entered into a consent decree with Niagara County, New York, resolving allegations that the county discriminated against Corrections Officer Carisa Boddecker when it revoked her restricted duty assignment and forced her to take an extended leave of absence during her pregnancy, although she was able to work. In May 2016, the Division sued the Palm Beach, Florida, County School Board for discriminating against Anne Williams Dorsey, an Assistant Principal at Turning Points Academy, a public school in the Palm Beach County School District. The Division

alleged that when Dorsey went on maternity leave, the principal reassigned her to a position with a lower salary and fewer assigned days, and then replaced her with a male employee whom she had previously trained. The complaint also alleges that the principal retaliated against Dorsey because she reported another female employee's sexual harassment allegations against the male employee who eventually replaced her. In December 2015, the Division reached a settlement with the Chicago Board of Education, which oversees the third largest school district in the United States, to resolve allegations that the board discriminated against pregnant teachers in violation of federal law. The lawsuit alleged that the board fired several teachers from Scammon Elementary School because they were pregnant. Finally, in October 2016, the Division resolved a suit against the City of Florence, Kentucky for discriminating against a pregnant employee. The Florence, Kentucky, Police Department had a policy that allowed workers to take light duty when necessary. After a female police officer took light duty while pregnant pursuant to this policy, Florence changed its policy to one that was much more restrictive – and which discriminated against pregnant employees.

❖ PROTECTING THE RIGHT OF RELIGIOUS FREEDOM

Won Religious Discrimination Lawsuit Against Colorado City, Arizona, and Hildale, Utah. In March 2016, a federal jury returned a verdict finding that the towns of Colorado City, Arizona, and Hildale, Utah, and their joint water company systematically discriminated against individuals who are not members of the Fundamentalist Church of Jesus Christ of Latter-day Saints (FLDS) in the provision of housing, utility and policing services in violation of the Fair Housing Act (FHA). Prior to the jury verdict, the parties reached an agreement that the defendants will pay \$1.6 million to resolve the monetary claim under the FHA. The jury also issued a separate advisory verdict on the division's claims under Section 14141 of the Violent Crime Control and Law Enforcement Act of 1994. In its advisory verdict, the jury found that the Colorado City Marshal's Office, the cities' joint police department, operated as an arm of the FLDS church in violation of the establishment clause of the First Amendment; engaged in discriminatory policing in violation of the equal protection clause of the 14th Amendment and the establishment clause; and subjected individuals to unlawful stops, seizures and arrests in violation of the Fourth Amendment.

Continued to Protect the Rights of Religious Communities to Build and Construct Places of Worship Free from Unlawful Barriers. In recent years, the division has increased its enforcement of the land use protections in the Religious Land Use and Institutionalized Persons Act (RLUIPA), which protects religious communities from discriminatory or unjustifiably burdensome application of zoning laws against places of worship, religious schools and other uses of land for religious purposes. For the period from 2010 to the present, RLUIPA investigations per year rose 60 percent compared to the period from 2000 to 2010. RLUIPA cases brought per year increased by 160 percent. In 2016, the division filed suit against Bernard's Township, New Jersey; Culpeper County, Virginia; and Sterling Heights, Michigan, for violating RLUIPA, alleging that the jurisdictions unlawfully blocked the construction of mosques, and against Port Jervis, New York over the blocking of location of a church in a downtown area. In December 2016, the division sent a letter to municipalities reminding them about RLUIPA's requirements.

Ensuring Equal Opportunity in Housing and Lending

In FY 2016, the Division's Housing and Civil Enforcement Section devoted significant resources to fair housing and lending cases. In this area, the Division is:

- Litigating 46 cases, including pattern and practice cases involving both housing and lending discrimination;

Conducting over 100 investigations; and,

Enforcing 147 settlements.

Over the last five years, the Division has closed 161 settlement agreements.

❖ **CASE EXAMPLES: PROMOTING EQUAL OPPORTUNITY IN HOUSING AND LENDING**

Reached a settlement with the Bossier City, Louisiana Housing Authority (BCHA) for discrimination against elderly African-American and residents with disabilities. The complaint alleges that from 2007 to 2014, BCHA assigned elderly residents to housing on the basis of race, rather than by their place on the waiting list, and restricted residents with disabilities primarily to one of BCHA's seven apartment complexes.

Filed suit against a Lakeland, Florida mobile home park for discrimination against African-American. The Division sue James C. Goss, the owner, and Cathy Plante and Joey Gwozdz, the managers, of May Grove Village Mobile Home Park, an 81-lot property in Lakeland, Florida. The lawsuit alleges that the managers falsely told African Americans that no mobile homes, or fewer mobile homes, were immediately available for sale, but told similarly situated white persons that more mobile homes were available. According to the complaint, the managers also quoted prospective African-American purchasers higher prices and worse financial terms than similarly situated white purchasers.

Sued to protect women from sexual harassment in housing. In August 2016, the Division sued two St. Louis landlords for sexual harassment and retaliation in violation of the Fair Housing Act. The lawsuit alleged that Hezekiah Webb, while serving as the property manager for rental properties that he owned with Jameseva Webb, sexually harassed female tenants at their properties. The complaint alleges that Webb conditioned housing or housing benefits on female tenants' agreement to engage in sexual acts; coerced female tenants to engage in unwelcome sexual acts; subjected female tenants to unwanted sexual touching and other unwanted sexual acts; made unwelcome sexual comments and advances to female tenants and taking adverse actions against female residents when they refused the sexual advances. In October 2015, the Division sued the Kansas City, Kansas, Housing Authority (KCKHA) and its former hearing officer, Victor L. Hernandez for sexual harassment of a female public housing applicant and a female public housing tenant, in violation of the Fair Housing Act. The lawsuit alleged that while employed by KCKHA, Hernandez subjected two women to unwanted sexual conduct as a condition for favorable hearing decisions, including asking them sexual questions, showing pornographic pictures and videos, making explicit sexual comments and exposing himself.

Reached a settlement with the owners and operators of seven Michigan apartment complexes to resolve allegations that they discriminated against families with children in violation of the Fair Housing Act. The lawsuit alleged that the defendants, including the rental manager Sudi Hopper, as well as the corporate entities that own the complexes, Parkside East Inc., Holt Manor Inc. and Kelly Manor Inc., discriminated against families with children by prohibiting them from renting one-bedroom units in the defendants' apartment complexes.

Providing Opportunities for People with Disabilities

The Division's Disability Rights Section continued its steadfast efforts to expand opportunities for people with disabilities through implementation of the ADA. In FY 2016, in addition to a number of investigations and bringing suits involving disability discrimination, the Section:

- Continued its impressive mediation program to assist with the disposition of the thousands of complaints received each year. In FY 2016, the ADA Mediation Program referred 353 matters,

completed 291 matters, and successfully resolved 79 percent of these cases. Since inception, the program has an overall success rate of 78 percent.

Promoted voluntary compliance with the ADA by continuing its robust ADA Technical Assistance Program. The program provides free information and technical assistance directly to businesses, state and local governments, people with disabilities, and the general public.

❖ CASE EXAMPLES: PROVIDING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

Reached Settlement with Greyhound Lines to Resolve ADA Violations. In February 2016, as part of a settlement agreement reached with the division, Greyhound Lines Inc. – the nation’s largest provider of intercity bus transportation – agreed to implement a series of systemic reforms to resolve allegations that it repeatedly violated the ADA. Under the terms of the agreement, Greyhound – which serves more than 3,800 destinations and more than 18 million passengers each year across North America – will compensate several classes of passengers who faced barriers because of their disabilities.

Settled with the YMCA of the Triangle in Raleigh, North Carolina to resolve allegations that it violated the Americans with Disabilities Act (ADA) by denying a child with Type 1 diabetes the opportunity to participate in an after-school program. Title III of the ADA prohibits discrimination on the basis of disability by public accommodations, including private camps and childcare programs. Under the ADA, such entities generally must make reasonable modifications to their policies, practices or procedures when necessary to provide equal access to a child with a disability. When a parent and a child’s physician determine that it is appropriate for a trained layperson to assist a child with diabetes care, a camp or childcare program must provide this as a reasonable modification under the ADA, unless doing so would fundamentally alter the program. YMCA of the Triangle refused to perform diabetes related tasks, including administering glucagon in the event of a low blood glucose level emergency. YMCA of the Triangle serves Wake, Durham, Lee, Johnston, Orange, Chatham and Pamlico counties in North Carolina, with 13 branches and three overnight camps. It administers after-school programs at 53 sites to nearly 5,000 children.

Fostered Successful Reform of Delaware Service System for People with Mental Illness. In October 2016, a federal court terminated the remedial settlement agreement governing the state of Delaware’s service system for people with serious and persistent mental illness. The state significantly expanded and enhanced community-based mental health services for individuals with serious and persistent mental illness under the agreement, as required by the ADA and the Supreme Court’s *Olmstead* decision.

Found South Dakota Unnecessarily Relies on Nursing Facilities to Provide Services to People with Disabilities. Following a comprehensive investigation, in May 2016 the division released its findings that South Dakota unnecessarily relies on nursing facilities to provide services to people with disabilities, in violation of the community integration mandate of the ADA and the Supreme Court’s *Olmstead* decision.

B. Strategies to Accomplish Outcomes

The Division’s work promotes and Protect American Civil Rights by Preventing and Prosecuting Discriminatory Practices.”

The Department works to uphold the civil and constitutional rights of all Americans, including the most vulnerable members of society. Federal civil rights statutes reflect some of America’s highest ideals and aspirations of equal justice under law. These statutes not only aim to protect the civil rights of racial and ethnic minorities, but also of members of religious groups, women, people with disabilities,

servicemembers, individuals housed in public institutions, and individuals who come from other nations and speak other languages.

The Division supports this area by advancing three basic principles, as outlined earlier in this budget submission: first, protecting the most vulnerable among us by ensuring that all in America can live free from fear of exploitation, discrimination, and violence; second, safeguarding the fundamental infrastructure of democracy by protecting the right to vote and access to justice, ensuring that communities have effective and democratically-accountable policing, and protecting those who protect us; and third, expanding opportunity for all people by advancing the opportunity to learn, earn a living, live where one chooses, and worship freely in one's community.

The Division further supports this area by engaging in a variety of activities including criminal and civil enforcement and litigation, prevention efforts, outreach initiatives, and technical assistance. The Division works with the Department, Congress, and other federal agencies and partners on legislative, regulatory, and policy developments.

CRT'S 2018 STRATEGIC FOCUS AREAS

Combat Human Trafficking. In order to support the Attorney General's FY 2018 key priorities, the Division will continue to expand its already successful human trafficking program. Prosecuting human trafficking presents unique challenges. In these cases, victims have endured sexual assault, brutality, and fear, and perpetrators have engaged in criminal conduct that often involves international organized criminal networks. These circumstances mean that each case requires a dedication of time, resources, and specialized skill in jurisdictions across the country and around the globe.

Prosecute Hate Crimes: The Division will prioritize hate crimes enforcement to ensure that individuals and communities are protected from crimes that are motivated by racial, religious or other bias.

Protect the Rights of U.S. Workers: The Division will continue to vigorously combat workplace discrimination. In FY 2018, the Division will prioritize enforcement of the Immigration and Nationality Act to ensure that companies do not discriminate against U.S. workers in favor of foreign visa holders.

Expand Efforts to Protect Those Who Protect Us: Service members make tremendous sacrifices for our nation. When their duties call them far away from home, the Division stands ready to protect their rights, specifically with regard to employment, voting, and fair lending. Last year, the Division achieved significant victories in its efforts to ensure that our men and women in uniform have access to meaningful employment when they return home from war, as well as asserting financial and housing protections. CRT plans to build on its successes as it continues these efforts on behalf of the nation's military servicemen and women, and veterans in FY 2018.

Safeguard Voting Rights for All Americans: The Department will continue to protect voting rights through efforts to detect and investigate voting practices that violate federal laws, through affirmative litigation to enjoin such practices, and through the monitoring of elections throughout the country each year.

Promote Fair Housing: Access to housing influences a family's access to good schools, transportation, and jobs and correlates closely with access to credit. The Division has opened a number of investigations and filed numerous lawsuits seeking to expand fair housing and fair lending opportunities for all. In FY 2018, the Division will continue those efforts and seek new enforcement opportunities.

Promote Equal Educational Opportunities: The Division will continue to work collaboratively with the Department of Education's Office of Civil Rights to review regulatory materials. The Division will also to continue to prioritize the review of approximately 170 longstanding consent decrees.

IV. APPENDIX

DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION
STATUTES ENFORCED

Statute	Enforcing Section	Type of Case
Official Misconduct, 18 U.S.C. §§ 241, 242	CRM	Section 242 makes it a crime for any person acting under color of law – using or abusing government authority – to willfully deprive any person of rights protected by the constitution or federal law. Section 241 is the civil rights conspiracy statute, applying to color-of-law violations committed by two or more people in concert.
The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009	CRM	The Shepard Byrd Act makes it a federal crime to willfully cause bodily injury, or attempt to do so using a dangerous weapon, because of actual or perceived race, color, religion, or national origin, and such crimes committed because of gender, sexual orientation, gender identity, or disability under certain circumstances. The Shepard-Byrd Act is the first statute allowing federal criminal prosecution of hate crimes committed because of sexual orientation or gender identity.
Federally Protected Activities, 18 U.S.C. § 245	CRM	This provision makes it a crime to use or threaten to use force to willfully interfere with any person because of race, color, religion, or national origin and because a person is involved in a federally protected activity, such as public education, employment, jury service, travel, or enjoyment of public accommodations.
Criminal Interference with Right to Fair Housing, 18 U.S.C. § 3631	CRM	This provision makes it a crime to use or threaten to use force to interfere with housing rights because of race, color, religion, sex, disability, familia' status, or national origin.
Damage to Religious Property, 18 U.S.C. § 247	CRM	This criminal statute protects religious real property from being targeted for damage because of the religious nature of the property or because of the race, color, or ethnic characteristics of the people associated with the property. The statute also criminalizes the intentional obstruction by force or threatened force of any person in the enjoyment of religious beliefs.
Trafficking Victims Protection Act (TVPA)	CRM	The TVPA criminalizes the use of force, fraud, or coercion to compel a person to engage in labor, services, or commercial sex. The Division also enforces a number of related criminal statutes that address forced labor and commercial sex, peonage, and involuntary servitude.
Freedom of Access to Clinics Entrances Act (FACE)	CRM & SPL	The FACE Act protects the exercise of free choice in obtaining reproductive health services and the exercise of First Amendment religious freedoms. The law makes it a crime to intimidate a person obtaining or providing reproductive health services or to damage a facility for providing such services. The law also makes it a crime to damage a facility because it is a place of worship.
Criminal Protection for Voting Rights, 18 U.S.C. § 594	CRM	18 U.S.C. § 594 criminalizes the use of intimidation, threats or coercion to interfere with the right to vote in federal elections. The NVRA, 42 U.S.C. § 20511, criminalizes such interference with respect to voter registration.
Americans with Disabilities Act, Title I	DRS	Title I of the Americans with Disabilities Act prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in recruiting, hiring, termination, promotion, compensation, job training, and other terms,

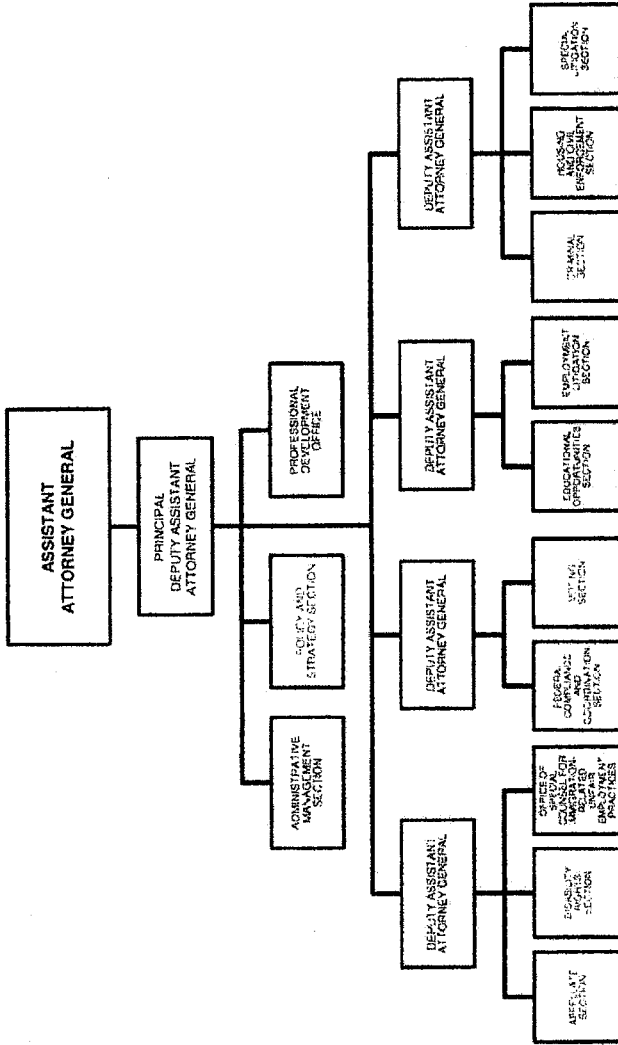
		conditions, and privileges of employment.
Americans with Disabilities Act, Title II	DRS, EOS, & SPL	Title II of the Americans with Disabilities Act protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by state and local government entities.
Americans with Disabilities Act, Title III	DRS & EOS	Title III of the Americans with Disabilities Act protects qualified individuals with disabilities from discrimination with regards to use and enjoyment of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation. "Public accommodations" include stores, restaurants, hotels, inns, and other commercial spaces open to the public.
Rehabilitation Act of 1973	DRS & EOS	Section 504 of the Rehabilitation Act of 1973 prohibits the exclusion, the denial of benefits, and discrimination by reason of disability in programs or activities receiving federal funds. Section 508 requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public.
Civil Rights Act of 1964, Title VII	ELS	Title VII of the Civil Rights Act makes it unlawful to discriminate against someone on the basis of race, color, national origin, sex (including pregnancy), or religion. The Act also makes it unlawful to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.
Uniformed Services Employment and Reemployment Rights Act (USERRA)	ELS	The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) seeks to ensure that servicemembers are entitled to return to their civilian employment upon completion of their military service. Servicemembers should be reinstated with the seniority, status, and rate of pay that they would have obtained had they remained continuously employed by their civilian employer.
Civil Rights Act of 1964, Title IV	EOS	Title IV of the Civil Rights Act prohibits discrimination on the basis of race, color, sex, religion, or national origin by public elementary and secondary schools and public institutions of higher learning.
Equal Education Opportunities Act of 1974 (EEOA)	EOS	Among other aspects of the statute, Section 1703(f) of the EEOA requires state educational agencies and school districts to take action to overcome language barriers that impede English Learner students from participating equally in school districts' educational programs.
Individuals with Disabilities in Education Act (IDEA)	EOS & SPL	The Individuals with Disabilities in Education Act (IDEA) requires states and local education agencies to provide free and appropriate public education to children with disabilities.
Civil Rights Act of 1964, Title VI	FCS, SPL, & EOS	Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
Education Amendments of 1972, Title IX	FCS & EOS	Title IX states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
Civil Rights Act of 1964, Title II	HCE	Title II prohibits discrimination in certain places of public accommodation, such as hotels, restaurants, nightclubs, and theaters.
Fair Housing Act (FHA)	HCE	The Fair Housing Act prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks and other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of race or color, religion, sex, national origin, familial status, or disability.
Equal Credit Opportunity	HCE	The Equal Credit Opportunity Act (ECOA) prohibits creditors from

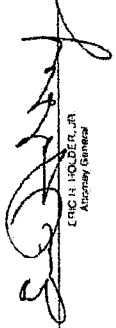
Act (ECOA)		discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, because an applicant receives income from a public assistance program, or because an applicant has in good faith exercised any right under the Consumer Credit Protection Act.
Religious Land Use and Institutionalized Persons Act (RLUIPA)	HCE & SPL	The Religious Land Use and Institutionalized Persons Act (RLUIPA) prohibits local governments from adopting or enforcing land use regulations that discriminate against religious assemblies and institutions or which unjustifiably burden religious exercise. It also requires that state and local institutions (including jails, prisons, juvenile facilities, and government institutions housing people with disabilities) not place arbitrary or unnecessary restrictions on religious practice.
Servicemembers Civil Relief Act (SCRA)	HCE	The Servicemembers Civil Relief Act (SCRA) provides protections in housing, credit, and taxes for military members who are on active duty. It also temporarily suspends judicial and administrative proceedings while military personnel are on active duty.
Immigration and Nationality Act § 274B	OSC	This section of the Immigration and Nationality Act (INA) prohibits: 1) citizenship status discrimination in hiring, firing, or recruitment or referral for a fee; 2) national origin discrimination in hiring, firing, or recruitment or referral for a fee; 3) document abuse (unfair documentary practices) during the employment eligibility verification process; and 4) retaliation or intimidation.
Civil Rights of Institutionalized Persons Act (CRIPA)	SPL	The Civil Rights of Institutionalized Persons Act (CRIPA) protects the rights of people in state or local correctional facilities, nursing homes, mental health facilities, and institutions for people with intellectual and developmental disabilities.
Violent Crime Control and Law Enforcement Act § 14141	SPL	Section 14141 of the Violent Crime Control and Law Enforcement Act prohibits law enforcement officials or government employees involved with juvenile justice from engaging in a pattern-or-practice of deprivation of constitutional rights, privileges, and immunities.
Omnibus Crime and Safe Streets Act	SPL	The Omnibus Crime Control and Safe Streets Act of 1968 prohibits discrimination on the ground of race, color, religion, national origin, or sex by law enforcement agencies receiving federal funds.
Voting Rights Act	VOT	The Voting Rights Act of 1965 protects every American against racial discrimination in voting. This law also protects the voting rights of many people who have limited English skills. It stands for the principle that everyone's vote is equal, and that neither race nor language should shut any of us out of the political process.
Voting Accessibility for the Elderly and Handicapped Act	VOT & DRS	The Voting Accessibility for the Elderly and Handicapped Act of 1984 generally requires polling places across the United States to be physically accessible to people with disabilities for federal elections.
Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)	VOT	The Uniformed and Overseas Citizens Voting Act (UOCAVA) requires that the states and territories allow certain U.S. citizens who are away from their homes, including members of the uniformed services and the merchant marine, their family members, and U.S. citizens who are residing outside the country, to register and vote absentee in federal elections.
National Voter Registration Act (NVRA)	VOT (civil provisions)	The National Voter Registration Act (NVRA) requires states to make voter registration opportunities for federal elections available through the mail and when people apply for or receive driver licenses, public assistance, disability services, and other government services, and also imposes certain requirements for maintaining voter registration lists.
Genetic Information Nondiscrimination Act	DRS	The Genetic Information Nondiscrimination Act (GINA) prohibits employers from using genetic information in making employment decisions.

(GINA), Title II		restricts the acquisition of genetic information by employers and other entities covered by Title II, and strictly limits the disclosure of genetic information.
Help America Vote Act (HAVA)	VOT	The Help America Vote Act (HAVA) requires states to follow certain minimum standards in the conduct of federal elections, in areas such as voting system standards, statewide voter registration databases, provisional ballots, identifying first time registrants by mail, and voter information postings.
Civil Rights Acts of 1870, 1957, 1960, & 1964	VOT (civil provisions)	The Civil Rights Acts include protections against discrimination and intimidation in voting and also authorize the Attorney General to seek elections records.

A: Organizational Chart

CIVIL RIGHTS DIVISION



Approved by  Date April 22, 2010
 ERIC N. HOLDER, JR.
 Attorney General

B. Summary of Requirements by Decision Unit

Summary of Requirements
 Civil Rights Division
 Salaries and Expenses
 (Dollars in Thousands)

13

Program Activity	FY 2016 Enacted			FY 2017 Continuing Resolution			FY 2018 Technical and Base			FY 2018 Current Services		
	Positions	Actual FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Civil Rights Enforcements	714	552	148,239	714	606	147,957	-121	-13	168	593	593	148,125
Total Direct	714	552	148,239	714	606	147,957	-121	-13	168	593	593	148,125
Balance Rescission		0				0						0
Total Direct with Rescission			148,239			147,957			168			148,125
Reimbursable FTE		62			93			0			93	
Total Direct and Reimb. FTE		614			699			-13			686	
Other FTE:												
LEAP		0			0			0			0	
Overtime		4			0			0			0	
Grand Total, FTE		618			699			-13			686	

Program Activity	2018 Increases			2018 Offsets			2018 Request		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Civil Rights Enforcements	0	0	0	0	0	0	593	593	148,125
Total Direct	0	0	0	0	0	0	593	593	148,125
Balance Rescission									0
Total Direct with Rescission	0	0	0	0	0	0	0	0	148,125
Reimbursable FTE		0			0			93	
Total Direct and Reimb. FTE	0	0		0	0		0	686	
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE	0	0		0	0		686	686	

B. Summary of Requirements

Summary of Requirements

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted 1/	714	552	148,239
Total 2016 Enacted	714	552	148,239
2017 Continuing Resolution	714	606	148,239
2017 Rescission - 0.1901%	0	0	-282
Total 2017 Continuing Resolution	714	606	147,957
Base Adjustments			
Pay and Benefits	-121	-13	168
Total Base Adjustments	-121	-13	168
Total Technical and Base Adjustments	-121	-13	168
2018 Current Services	593	593	148,125
2018 Total Request	593	593	148,125
2017 - 2018 Total Change	-121	-13	168

^{1/} FY 2016 FTE is actual

E. ATB Justification

Justifications for Technical and Base Adjustments
 Civil Rights Division
 Salaries and Expenses
 (Dollars in Thousands)

	Positions	Estimate	Amount
		FTE	
Pay and Benefits			
1 <u>2018 Pay Raise - 1.9%</u> This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount requested, \$1,336,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$935,000 for pay and \$401,000 for benefits.)	0	0	1,336
2 <u>Annualization of 2017 Pay Raise - 2.88%</u> This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88% included in the 2017 Appropriation. The amount requested \$781,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$547,000 for pay and \$234,000 for benefits).	0	0	781
3 <u>Attrition and/or Administrative Savings</u> To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	-16	-13	-2,445
4 <u>Employees Compensation Fund</u> The \$30,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.	0	0	30
5 <u>Health Insurance</u> Effective January 2018, the component's contribution to Federal employees' health insurance increases by 6.9464 percent. Applied against the 2017 estimate of \$4,765,000 the additional amount required is \$331,000.	0	0	331
6 <u>Position Rightizing Adjustment</u> As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	-105	0	0
7 <u>Retirement</u> Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$135,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	135
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-121	-13	168
Subtotal, Pay and Benefits	-121	-13	168

F. 2016 Crosswalk

Crosswalk of 2016 Availability

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover			Recoveries/Refunds			FY 2016 Availability		
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount		
Civil Rights Enforcements	714	552	148,239	0	0	2,000	3,912	0	714	552	0	714	552	154,151	
Total Direct	714	552	148,239	0	0	2,000	3,912	0	714	552	0	714	552	154,151	
Balance Rescission			0			0	0				0			0	
Total Direct with Rescission			148,239			2,000	3,912				0			154,151	
Reimbursable FTE		62			0								62		
Total Direct and Reimb. FTE		614			0								614		
Other FTE:															
LEAP FTE		0			0								0		
Overtime		4			0								4		
Grand Total, FTE		618			0								618		

Reprogramming/Transfers:
Funding of \$2M was reallocated from the GLA's ALS account

Carryover:
Funds were carriedforward into FY2016 from GLA's FY2015 No-Year Account.

Recoveries/Refunds:

G. 2017 Crosswalk

Crosswalk of 2017 Availability
 Civil Rights Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution			Reprogramming/Transfers			Carryover Amount	Recoveries/Refunds Amount	FY 2017 Availability		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount			Positions	Est. FTE	Amount
Civil Rights Enforcements	714	606	147,957	0	0	0	5,788	0	714	606	153,745
Total Direct	714	606	147,957	0	0	0	5,788	0	714	606	153,745
Balance Rescission			0				0	0			0
Total Direct with Rescission			147,957				5,788	0			153,745
Reimbursable FTE		93				0					93
Total Direct and Reimb. FTE		699				0					699
Other FTE:											
LEAP FTE		0				0					0
Overtime		0				0					0
Grand Total, FTE		699				0					699

Reprogramming/Transfers:

Carryover:

Funds were carriedforward into FY2017 from GLA's FY2016 No-Year Account (Election Monitoring).

Recoveries/Refunds:

H. Reimbursable Resources

Summary of Reimbursable Resources

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
	Bureau of Alcohol, Tobacco, Firearms and Explosives	0	0	127	0	0	114	0	0	114	0	0
Community Oriented Policing Services	0	0	15	0	0	20	0	0	20	0	0	0
Community Relations Service	0	0	0	0	0	5	0	0	5	0	0	0
Department of Justice (Justice Management Division)	25	18	5,722	25	21	7,941	25	21	7,941	0	0	0
Department of Health and Human Services	41	32	7,400	41	60	10,813	41	60	11,647	0	0	834
Drug Enforcement Administration	0	0	92	0	0	120	0	0	120	0	0	0
Executive Office for Immigration Review	0	0	7	0	0	30	0	0	30	0	0	0
Federal Bureau of Investigation	0	0	426	0	0	500	0	0	500	0	0	0
Federal Prison System	10	10	1,005	10	10	1,050	10	10	1,050	0	0	0
Immigration and Customs Enforcement	0	0	0	0	0	49	0	0	49	0	0	0
National Security Division	0	0	238	0	0	200	0	0	200	0	0	0
Office of Attorney Recruitment/Management	0	0	8	0	0	7	0	0	7	0	0	0
Office of Justice Programs	0	2	209	0	1	56	0	1	56	0	0	0
Office of the Inspector General	0	0	8	0	0	6	0	0	10	0	0	4
Office of the Pardon Attorney	0	0	113	0	0	59	0	0	59	0	0	0
Office of Victims of Crimes	0	0	0	0	0	48	0	0	48	0	0	0
Securities and Exchange Commission	0	0	88	0	0	62	0	0	62	0	0	0
U.S. Attorneys	0	0	260	0	1	231	0	1	231	0	0	0
U.S. Marshals Services	0	0	138	0	0	94	0	0	94	0	0	0
Criminal Division	0	0	6	0	0	0	0	0	0	0	0	0
Budgetary Resources	76	62	15,862	76	93	21,405	76	93	22,243	0	0	838

Obligations by Program Activity	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
	Civil Rights Enforcements	76	62	15,862	76	93	21,405	76	93	22,243	0	0
Budgetary Resources	76	62	15,862	76	93	21,405	76	93	22,243	0	0	838

I. Permanent Positions

Detail of Permanent Positions by Category

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution			FY 2018 Request					
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.		ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.	
				Resolution	Pos.						
Miscellaneous Operations (001-099)	7	0	7	0	-5	0	0	0	2	0	
Social Science, Psychology, Welfare (0100-0199)	19	5	19	5	-2	0	0	0	17	5	
Personnel Management (0200-0260)	11	0	11	0	0	0	0	0	11	0	
Clerical and Office Services (0300-0399)	151	7	151	7	-35	0	0	0	116	7	
Accounting and Budget (500-599)	7	0	7	0	0	0	0	0	7	0	
Architects	10	0	10	0	-5	0	0	0	5	0	
Paralegals / Other Law (900-998)	102	0	102	0	-59	0	0	0	43	0	
Attorneys (905)	383	64	383	64	-14	0	0	0	369	64	
Information & Arts (1000-1099)	3	0	3	0	-1	0	0	0	2	0	
Mathematics and Statistics Group	3	0	3	0	0	0	0	0	3	0	
Information Technology Mgmt. (2210-2299)	18	0	18	0	0	0	0	0	18	0	
Total	714	76	714	76	-121	0	0	0	593	76	
Headquarters Washington D.C.	714	76	714	76	-121	0	0	0	593	76	
US Fields	0	0	0	0	0	0	0	0	0	0	
Foreign Field	0	0	0	0	0	0	0	0	0	0	
Total	714	76	714	76	-121	0	0	0	593	76	

J. Financial Analysis

Financial Analysis of Program Changes
 Civil Rights Division
 Salaries and Expenses
 (Dollars in Thousands)

Grades	Total Program Changes	
	Positions	Amount
No grades	0	0
Lapse (-)		
11.5 - Other personnel compensation		
Total FTEs and Personnel Compensation	0	0
No BOCs		
Total Program Change Requests	0	0

INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)

INTERPOL WASHINGTON

U.S. NATIONAL CENTRAL BUREAU

U.S. DEPARTMENT OF JUSTICE (DOJ)

WASHINGTON, D.C.

FY 2018 PERFORMANCE BUDGET



CONGRESSIONAL SUBMISSION

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I. Overview for INTERPOL Washington, the U.S. National Central Bureau

A. Introduction

In Fiscal Year (FY) 2018, INTERPOL Washington, the U.S. National Central Bureau, requests a total of **\$34,525,000, 73 FTE and 73 direct positions** to prevent crime, enforce federal laws, and prevent terrorism. This request includes a net Adjustment-to-Base (ATB) increase of \$1,151,000 for INTERPOL statutory contributions, and a reduction of 4 positions. With these resources, INTERPOL Washington will strive to maintain its essential services while continuing its efforts to unite domestic law enforcement intelligence databases and connect this critical network securely to the vast international intelligence network to which INTERPOL Washington has sole access.

B. Background

INTERPOL Washington, the United States National Central Bureau, is the statutorily-designated representative to the International Criminal Police Organization (INTERPOL) on behalf of the Attorney General. As such, it is the official U.S. Point of Contact in INTERPOL's world-wide, police to police communications and criminal intelligence network. INTERPOL Washington is co-managed by the U.S. Department of Justice (DOJ) and the Department of Homeland Security (DHS) pursuant to a Memorandum of Understanding that ensures a continuing commitment to the guidance and oversight of the organization and reinforces its role in effectively sharing and exchanging international criminal investigative intelligence and humanitarian assistance information. Consequently, its mission encompasses a broad spectrum of activities and responsibilities that support the effective administration of justice and security of the homeland – an end-state that fully reflects the Administration's strategic approach to combating transnational criminal threats. In carrying out these wide-ranging responsibilities, INTERPOL Washington utilizes a highly integrated, multi-sector workforce that includes analysts and agents detailed from both DOJ and DHS, as well as other Federal, State Local and Tribal agencies, including: the FBI, DEA, U.S. Marshals Service, Immigration and Customs Enforcement, United States Citizenship and Immigration Services and the United States Secret Service, among others.

As the National Central Bureau for the United States, INTERPOL Washington is solely responsible for entering into bilateral communications with law enforcement agencies in the other 189 member countries on behalf of all US law enforcement agencies. The USNCB is authorized unrestricted access to INTERPOL's secure, encrypted communications network, as well as its entire array of investigative databases. Populated with millions of records contributed by INTERPOL's 190 member countries, these databases contain vital investigative intelligence on international fugitives; stolen and lost travel documents; stolen administrative documents; missing persons; unidentified bodies; images of child sexual abuse, and other matters of investigative interest. This capability facilitates law enforcement interaction in real time on investigative matters ranging from simple criminal history checks to the sharing of sensitive criminal intelligence and investigative leads targeting transnational organized crime groups.

In addition, INTERPOL Washington is *exclusively* responsible for securing the publication of INTERPOL Notices – a system of international lookouts or advisories used to assist law enforcement authorities in locating fugitives, identifying suspects, and other investigative purposes – on behalf of U.S. law enforcement agencies, and for ensuring that such Notices published on behalf of other member countries are entered and maintained in U.S. indices including the Federal

Bureau of Investigation's (FBI) National Crime Information Center (NCIC) and the Department of Homeland Security's TECS. It also supports the exchange of international humanitarian assistance requests involving such matters as threatened suicides, death notifications, and health and welfare checks on U.S. citizens overseas, as well as foreign nationals in the U.S.

Operating 24/7/365, INTERPOL Washington is the primary nexus between domestic and foreign law enforcement and border security agencies and as such is solely dedicated and equipped to assist the more than 18,000 U.S. law enforcement agencies and their foreign counterparts in overcoming the very real cultural, linguistic, and legal barriers that complicate the exchange of criminal investigative intelligence and support across national administrations and boundaries – including situations where there is no alternative police communication channel for U.S. authorities. Even for U.S. law enforcement agencies with a well-developed international criminal investigative presence, INTERPOL Washington's services are complementary, not competitive or duplicative. To emphasize this point, in 2015 the European Police Office (EUROPOL) approached the USNCB requesting the USNCB host the secure SEINA platform, and the agreement executed in July 2015 formally designated the USNCB as the exclusive connection between U.S. law enforcement agencies and EUROPOL member countries.

In all instances, INTERPOL Washington serves to coordinate U.S. law enforcement actions and responses, ensuring that it is consistent with U.S. interests and law, as well as INTERPOL policies, procedures, and regulations. This includes strict adherence to Article 3 of the INTERPOL Constitution, which expressly forbids the Organization to "...undertake any intervention or activities of a political, military, religious or racial character."

C. Full Program Costs

INTERPOL Washington is one decision unit, and all requested funds sustain operations that support DOJ's key priorities, as well as those of DHS and INTERPOL. Therefore, each performance objective is linked with the costs of critical strategic actions that necessarily reflect the diverse requirements of all three organizations. Moreover, through its on-going communications with its domestic and foreign counterparts, INTERPOL Washington continues to identify service gaps and emerging needs that will require additional investment.

Figure 1 below shows annual appropriations for Fiscal Years 2016 – 2018 broken into Statutory Contributions, Mandatory DOJ Shared Services, Amalgamated Law Enforcement Communications and Information Sharing Architecture, and Operational Costs.

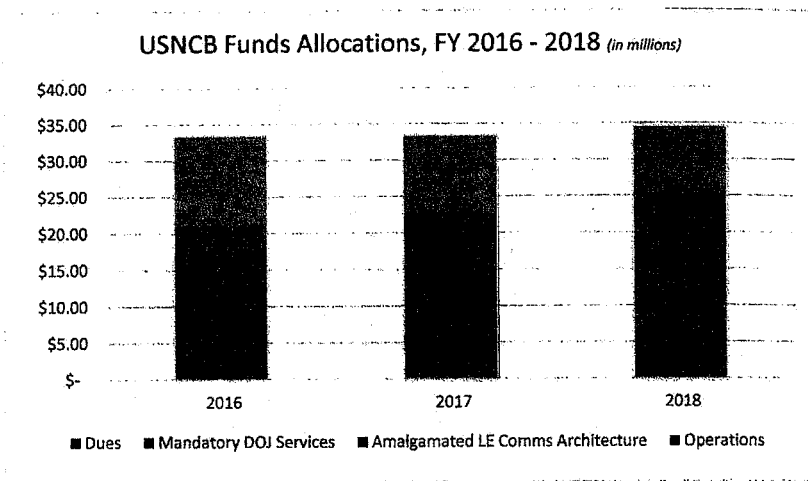


Figure 1

D. Challenges

The 2015 *National Security Strategy* explicitly recognizes that transnational crime is a serious and growing threat to public safety and national security. Similarly, the *Worldwide Threat Assessment of the US Intelligence Community* cites transnational organized crime as "...a global, persistent threat to our communities at home and our interests abroad. Savvy, profit-driven criminal networks traffic in drugs, persons, wildlife, and weapons; corrode security and governance; undermine legitimate economic activity and the rule of law; cost economies important revenue; and undercut US development efforts."^[1] Of particular concern, both documents point to an increasing convergence between transnational crime and terrorism. In order to combat these threats, the United States government is seeking to integrate elements from within the homeland security and national security mission spaces into a whole-of-government approach designed to disrupt, defeat, and dismantle transnational criminal and terrorist organizations.^[2]

The challenges that impede progress toward achieving the strategic goals of DOJ and DHS are complex and ever-changing. Developments in technology, enforcement priorities, and shifting patterns of criminal behavior are only a few factors that impact law enforcement practices and pose challenges that demand attention. The following challenges are among those that INTERPOL Washington views as highly significant, and as having the greatest potential to impact its budget, operations, and resources.

^[1] Unclassified Statement for the Record on the *Worldwide Threat Assessment of the US Intelligence Community* for the Senate Select Committee on Intelligence, James R. Clapper, Director of National Intelligence, February 26, 2015

^[2] *National Security Strategy*, p.15

External Challenges:

Balancing Appropriated Funding Constraints with Outpaced Demand

INTERPOL Washington, as with other organizations throughout the entire Federal Government, continues to face funding and resource challenges. The economic environment and the subsequent impact of tightened budgets have placed pressures on all federal agencies. INTERPOL Washington is committed to the Administration's efforts to cut waste in spending and to identify opportunities to promote efficient spending. In FY 2018, INTERPOL Washington faces the challenge of responding to an increasing demand for our services while adhering to economic realities, constricted budgets, and efforts to reduce overall government spending.

The unprecedented growth of transnational criminal and terrorist organizations has created a corresponding demand for international law enforcement cooperation and timely access to law enforcement intelligence worldwide. Consequently, INTERPOL Washington's requirement to respond to all requests for assistance from its domestic and international law enforcement partners continues to place substantial and increasing demands on its fiscal and operational resources. INTERPOL Washington anticipates the volume of requests for assistance will continue to increase at the recent historical average rate of 18 – 25% per year as its outreach efforts and information technology initiatives develop and take hold. INTERPOL Washington anticipates that the volume of requests for assistance will continue to increase as its outreach efforts and information technology initiatives develop and take hold. Some examples are listed below:

Increased awareness and usage of INTERPOL databases has led to consistent growth in message traffic across the network resulting in increases in new cases year after year (Figure 2).

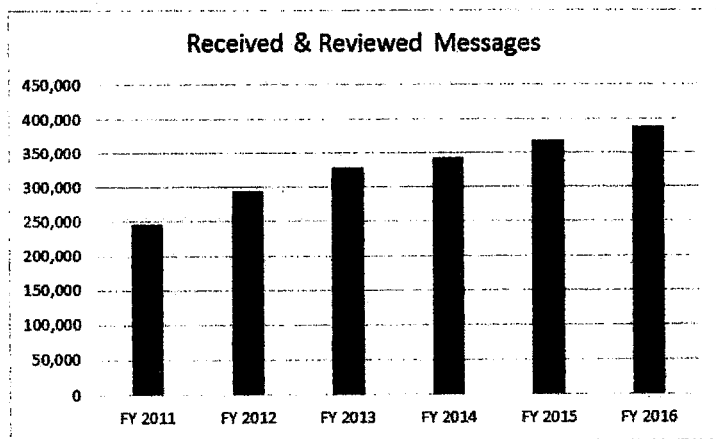


Figure 2

INTERPOL Washington's aggressive outreach efforts have significantly increased availability of INTERPOL databases to domestic law enforcement agencies. In 2014, U.S. law enforcement authorities accounted for more than 366 million queries against INTERPOL databases. Just two years later in FY 2016, INTERPOL Washington facilitated more than 466 million queries, an increase of one million queries..

- INTERPOL Washington has partnered with the National Center for Missing and Exploited Children (NCMEC) in an initiative to distribute investigative leads via INTERPOL's i-24/7 network regarding foreign hosted child pornography discovered by U.S. based Electronic Service Providers. Following a pilot program, INTERPOL Washington began full-scale distribution of investigative leads in May 2014. As of June 7, 2016, in excess of 2.4 million leads have been distributed to approximately 140 remaining INTERPOL member countries not currently serviced by a NCMEC or DHS VPN.
- INTERPOL's Headquarters in Lyon ceased translating notices and diffusions from French and Spanish into English. As a consequence, INTERPOL Washington has absorbed the cost of translating diffusions, notices, and other INTERPOL message traffic. The IOCC Translation Program receives on average 350 to 500 messages a month that require translation. This total does not include the estimated 2,000 diffusions and notices that are saved to cases each month without appropriate translation, so INTERPOL Washington staff can ensure those individuals are entered into U.S. indices without extensive delay. Furthermore, it is estimated the current case file system holds around 4,000 to 6,000 additional untranslated notices.
- INTERPOL Washington receives no funding from participating agencies for operating expenses (such as guard service, telecommunication, equipment, and supply expenses) for their detailed personnel.

Funding U.S. Dues to the INTERPOL Organization

In October 2013, the INTERPOL General Assembly (GA) adopted a new model for the distribution of statutory contributions (dues) assessments among INTERPOL member countries. This new scale incorporates the economic performance of member countries by averaging the INTERPOL scale and the United Nation's scale. The United Nation's scale includes various economic indicators including, Gross Domestic Product (GDP). Under the new dues structure, not only will the United States continue to pay the largest percentage but our contribution percentage will escalate markedly from 17.4 percent in 2014 to 19.4 percent by 2017 (Figure 3). The current contribution model only calculates through 2017, but INTERPOL has initiated action to update the model for the period of 2018 – 2022. Members of the General Assembly have expressed great interest in tying the INTERPOL statutory contributions to the United Nations scale, which would have the United States pay 22% in 2018. The 2018 contribution amount is estimated to be \$16.5M. INTERPOL Washington is requesting an increase of \$1.151 million (3.5%) to offset this projected increase in dues.

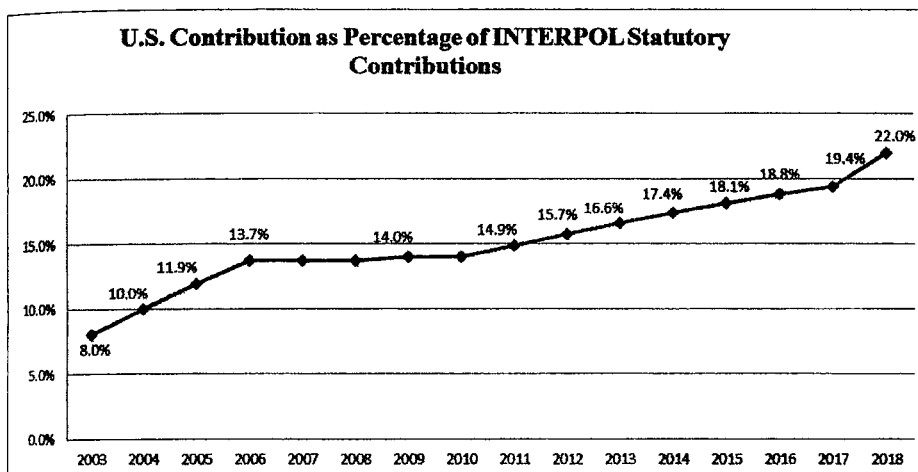


Figure 3

The U.S. dues contribution is paid in Euros (€) from INTERPOL Washington's budget, and has increased from €1.23 million in 2001 to €12.32 million or \$16.5 million USD in 2018. The estimated dues contribution, as paid in U.S. dollars in 2018 represents **45 percent** of INTERPOL Washington's annual budget (requested). (Refer back to Figure 1 on page 2). Moreover, the newly adopted scale will continue to raise the U.S. dues contribution annually. INTERPOL has indicated that it will seek additional annual increases to its budget to fund inflationary costs. The budgetary effect of these annual increases may be further compounded by the fluctuating value of the U.S. dollar relative to the Euro, which impacts INTERPOL Washington's ability to pay its dues commitment at either an advantageous or disadvantageous rate of exchange.

Internal Challenges:

INTERPOL Washington faces many internal challenges in FY 2018, primarily in regards to its analytical capacity and Information Technology (IT) infrastructure. These challenges also present INTERPOL Washington with considerable risks, such as an over-reliance on contractors in key analytical and IT positions. As of Pay Period 6 in March 2017, INTERPOL Washington has 64 employees on board, supported by 51 contractor positions, plus detailees and interns. Put simply, 44% of the "permanent" workforce is comprised of contractors who by definition are not permanent. This practice makes INTERPOL Washington susceptible to factors such as annual contract renewals, and the challenges are exacerbated by an increase in the volume of information and data received from foreign and domestic law enforcement partners as a result of outreach efforts. This increase in volume has significantly outpaced INTERPOL Washington's analytical capabilities, resulting in costly delays and backlogs.

Another internal challenge is that **34 percent** of its on-board workforce (excluding interns) is detailed from domestic law enforcement partner agencies. To mitigate the skills gap that may result from the retirement of its employees and the turnover of detailees, INTERPOL Washington must further develop the tools necessary to recruit, hire, train, and retain qualified applicants. In

response to this urgent business requirement, INTERPOL Washington conducted a comprehensive assessment of its human capital and information technology program, which resulted in the publication of human capital, IT, and mission strategic plans to guide the organization through FY 2017.

E. Strategic Goals and Objectives

This request identifies specific outcome-based, strategic mission objectives that will continue to advance the mission of INTERPOL Washington. Achieving these objectives will move the agency toward fulfilling its statutory mandate to secure greater cooperation and share intelligence among law enforcement organizations throughout the world.

F. Environmental Management System

INTERPOL Washington will continue to implement its agency-wide Environmental Management System. The agency has adopted a policy whereby INTERPOL Washington personnel incorporate environmental stewardship into their decision-making and day-to-day activities. The policy mandates, among other things:

- Incorporation of environmental management principles into planning and budget preparation.
- Promotion and encouragement for all employees to practice energy conservation, waste stream reduction, and recycling.
- Compliance with applicable federal, state, and local environmental laws and regulations.
- Identification and reporting to the agency leadership any unsafe working conditions or environmental concerns.

II. Summary of Program Changes

N/A

III. Appropriations Language and Analysis of Appropriations Language

General Legal Activities language is displayed in the GLA rollup budget submission.

IV. Program Activity Justification

INTERPOL Washington

<i>INTERPOL Washington</i>	Direct Pos.	Estimate FTE	Amount
2016 Enacted	77	62	33,437
2017 Continuing Resolution	77	69	33,374
Adjustments to Base and Technical Adjustments	-5	3	1,151
2018 Current Services	72	72	34,525
2018 Program Increases	0	0	0
2018 Program Offsets	0	0	0
2018 Request	72	72	34,525
Total Change 2017-2018	-5	3	1,151

<i>INTERPOL Washington -Information Technology Breakout (of Decision Unit Total)</i>	Direct Pos.	Estimate FTE	Amount ¹
2016 Enacted	5	4	2,400
2017 Continuing Resolution	5	4	3,268
Adjustments to Base and Technical Adjustments	0	0	0
2018 Current Services	5	5	3,268
2018 Program Increases	0	0	0
2018 Program Offsets	0	0	0
2018 Request	5	5	3,268
Total Change 2017-2018	0	0	0

^{1/} Prior to FY 2017 OCIO pay costs were not included within the IT breakout. Starting in FY 2017 OCIO pay is included.

1. Program Description

INTERPOL is the world's largest international police organization and coordinates intelligence sharing between its 190 member countries, providing a neutral venue where jurisdictions and mandates are interwoven to permit cooperation and assistance in combating international crime. Pursuant to its statutory authority, INTERPOL Washington, the U.S. National Central Bureau, facilitates international law enforcement cooperation by serving as a police-to-police communications and intelligence network for both American and foreign police seeking assistance in criminal investigations. In addition INTERPOL transmits intelligence of a criminal justice, humanitarian, or other law enforcement related nature between domestic and foreign law enforcement agencies in INTERPOL member countries, and coordinates and integrates intelligence in investigations of an international nature.

PERFORMANCE MEASURE TABLE

Decision Unit: INTERPOL Washington		Performance Report and Performance Plan Targets		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Performance Measure		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Measure	Number of lookouts within 48 hours	8,036		9,334		16,649		25,301		28,566		29,690		27,894		28,173	
Performance Measure	Number of INTERPOL Diffusions issued	585		647		190											
Performance Measure	New Cases initiated	42,549		44,605		47,934		41,935		42,354		41,646		43,201		43,633	
Performance Measure	Number of US requested INTERPOL Notices	1,818		1,436		1,200											
Performance Measure	Number of TECS/NCIC "lookouts" entered/updated	20,720		22,495		27,434		34,487		30,614		34,404		31,379		31,692	
Performance Measure	Number of locates on fugitives obtained through database queries or lead information provided by a foreign NCB	439		441		874		1,116		710		751		772		778	
Performance Measure	Number of red notices published on US fugitives and sex offenders	N/A		473		437		402									
Performance Measure	Number of green notices published on US fugitives and sex offenders	N/A		769		655		521									
OUTCOME Measure	Arrests, extraditions, and deportations on INTERPOL Notices/Diffusions with a US nexus	165		145		183		185		170		166		172		172	

N/A = Data unavailable

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

INTERPOL Washington will support DOJ's strategic priorities by executing the following functions:

- Coordinating arrangements for payment of mandatory INTERPOL member dues;
- Communicating and exchanging intelligence between international and domestic law enforcement agencies;
- Ensuring that the interests of the United States are represented to the international law enforcement community;
- Identifying trends and patterns in international criminal activity;
- Providing leadership and expertise at global law enforcement symposia, conferences, and meetings;
- Extending access to INTERPOL data by U.S. Federal, State, Local, and Tribal law enforcement agencies; and,
- Championing the greater use by U.S. Federal, State, Local, and Tribal law enforcement agencies of international intelligence and communication tools available through INTERPOL Washington.

INTERPOL Washington will continue to facilitate cooperation among foreign and domestic law enforcement by making it easier to obtain intelligence and evidence needed to pursue fugitives and track criminal activity by leveraging authorized and existing information sharing environments.

b. Strategies to Accomplish Outcomes

INTERPOL Washington has formed strategic partnerships with U.S. law enforcement agencies that have assigned agents to INTERPOL Washington to initiate and respond to international inquiries. INTERPOL Washington further participates in such international law enforcement initiatives as: Foreign Terrorist Fighters (FTF) and Fusion Task Force (provides link analysis on terrorist groups and individuals); Human Trafficking Programs; Project Cargo Net (maritime piracy); International Stolen Motor Vehicle Program; Cultural Antiquities Program; Stolen/Lost Travel Documents Program; International Child Sexual Exploitation Program, and the INTERPOL Bioterrorism Program. The Notice and Diffusion program builds member countries' capacity to rapidly identify and arrest known and internationally wanted individuals leading to their eventual extradition, deportation or prosecution.

INTERPOL Washington will also continue to use its expertise to assist in halting international parental abductions in progress, pursue child abductors, and locate child victims.

Through INTERPOL Washington, every law enforcement agency in the United States can contact police, customs, and immigration authorities in 189 other member countries. The anticipated outcome is the reduction of crime domestically and internationally.

c. Mission Priorities

The following are specific examples of how INTERPOL Washington supports the Department's mission:

Protecting Americans from national security threat

National Central Bureaus representing more than 40 member countries have coalesced into a dedicated Foreign Terrorist Fighter program. This program currently supports a working group - an international symposia that serves as a vehicle for sharing intelligence and best practices; a multinational fusion cell, and an analytical database populated with intelligence contributed by and accessible to participating member countries. The criminal intelligence contained in the database includes detailed identity particulars that are especially valuable to law enforcement and border control authorities in making determinations of the terrorist threat posed by subjects located in, or attempting to enter their respective jurisdictions.

“INTERPOL Chief says ‘unprecedented’ foreign terrorist fighter threat requires global action”

May 29, 2015, UNITED NATIONS, New York— Addressing the United Nations Security Council Ministerial briefing on foreign terrorist fighters, INTERPOL Secretary General Jürgen Stock said countries need to ‘share even more information, and share it even better’. The INTERPOL Chief told the high-level meeting that more countries are realizing that sharing via INTERPOL represents an opportunity, not a risk, which in turn enables the world police body to more closely monitor the threat as it evolves. “Increased pressure to restrict foreign terrorist fighter mobility is already producing changes in tactics,” said Secretary General Stock, adding that INTERPOL projects ‘broken travel’ – where individuals move between several countries in non-consecutive legs before reaching their final destination – to become a more frequent feature, with an increase in facilitation networks as opposed to self-organization.

<http://www.interpol.int/News-and-media/News/2015/N2015-067>

At the start of the initiative in April 2013, there were only 12 messages or notices in the Fusion Cell’s database referencing Syria foreign fighters. Since then, the INTERPOL working group has met four times, providing intelligence on foreign fighters in the form of over 4,000 messages or notices.

Member countries have begun to integrate INTERPOL’s data into their respective border security and law enforcement lookout systems. As we all recognize sharing intelligence on suspected foreign fighters is a critical, necessary tool to track, interdict, and hopefully prosecute suspected fighters. It is particularly paramount that transit countries receive timely intelligence in order to interdict travelers.

Applied collectively, these resources provide a reliable platform for addressing the threat from foreign terrorist fighters by helping to monitor, deter and interdict their international movement. INTERPOL Washington is aggressively exploiting these resources in order to provide notification to other member countries and to communicate potential threats posed by individuals involved in terrorist activities. We have strategically used INTERPOL Notices to target, trace, locate and detain terrorists.

Currently, we have identified over 3,000 known terrorists who are subjects of INTERPOL Notices, which include 885 suspects wanted on Red Notices that were previously unknown to the U.S. Government. Through our partnership with the FBI, this intelligence was shared with the National Counter Terrorism Center for watch-listing. We also provided previously unknown supplemental intelligence on 1,200 records and issued 1,005 Blue or Green notices targeting terrorism suspects. The value of this data - a large portion of which was previously unknown- is proof positive that the intelligence contained within the INTERPOL system is important to the U.S. Law Enforcement and Intelligence communities and a key to continued homeland security.

Furthermore, to combat the growing threats posed by cybercrime and cyber-based attacks, INTERPOL Washington is working with INTERPOL to develop best practices and intelligence sharing initiatives to overcome the inherent challenges to investigating, prosecuting, and disrupting cybercrime; develop capacity in its member countries; network and leverage INTERPOL's global and regional resources in support of national efforts; and increase connectivity between U.S. law enforcement and foreign authorities worldwide. In order to meet these challenges, INTERPOL Washington is actively pursuing the development of training opportunities with INTERPOL and the DOJ to improve member countries' use of the Mutual Legal Assistance Treaty (MLAT) as a critical tool in support of global efforts to combat cybercrime; developing solutions to streamline the process of obtaining and communicating Basic Subscriber Information held by U.S. service providers, and transitioning the INTERPOL Operational Expert Group on Cybercrime, which is chaired by INTERPOL Washington, from a planning and development body to a permanent entity that will drive the organization's strategic cyber direction. Through the newly established INTERPOL Global Complex for Innovation and its Digital Crime Center, which is presently under the direction of a U.S. secondment from the FBI, INTERPOL Washington will also continue to promote the operational, technical, and investigative cyber capabilities of U.S. law enforcement and increase international cooperation in support of DOJ's National Security Priority Goal of disrupting and dismantling cyber threat actors.

Protecting Americans from violent crime

INTERPOL Washington fights violent crime by working with domestic and foreign law enforcement agencies to combat violent transnational criminal organizations and offenders. Its efforts include developing and exchanging criminal investigative information and intelligence designed to deny the illicit movement of and access to U.S. - sourced firearms, explosives, and ammunition by international traffickers, drug dealers, gang members, and terrorists. INTERPOL Washington's international data resources and communications network also support U.S. and foreign law enforcement agencies in investigating other violent offenses that include kidnapping, bank robbery, homicide, rape, and sexual assault. For example, INTERPOL Washington processes trace requests of U.S.-sourced firearms recovered or seized abroad for those member countries without electronic trace (E-Trace) capability and, through INTERPOL's secure *i-24/7* network, and assists ATF's National Tracing Center with requests from member countries for assistance in tracing foreign-made firearms recovered in the U.S.

"ICE, US Marshals arrest 27 international fugitives with Interpol alerts"

June 5, 2015, WASHINGTON — Twenty-seven criminal foreign fugitives with active Interpol alerts were arrested across the United States this week by U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations (ERO) and the U.S. Marshals Service (USMS).

Those arrested are from 13 different countries and wanted for crimes abroad. Of the 27, five are wanted for homicide, two for kidnapping, one for raping a child and one for human sex trafficking.

<http://www.ice.gov/news/releases/ice-us-marshals-arrest-27-international-fugitives-interpol-alerts>

Additionally, INTERPOL Washington processes applications for Red, Blue, and Green INTERPOL Notices on subjects connected with a wide range of violent offenses. These subjects include deportees (including members of transnational criminal gangs such as MS-13) who have committed violent crimes, and members of outlaw motorcycle gangs (e.g., Hells Angels, Bandidos,

Mongols, Vagos, and Outlaws). In addition to facilitating the location, capture, and removal of criminal fugitives, the publication of these notices supports the sharing of criminal intelligence and coordination of investigations and operations at a truly global level.

INTERPOL Washington also routinely facilitates emergency disclosure requests from internet service providers and online social media companies to prevent violent crimes in which serious threats of bodily harm, death threats, stalking, and extortion attempts are made using the internet, resulting in the identification, location and arrest of offenders posing a significant threat to persons and/or general public safety.

Protecting the most vulnerable members of society

INTERPOL Washington provides substantial support to agency efforts to combat crimes against children. Using its exclusive authority, INTERPOL Washington has extended access to INTERPOL's online investigative resources to child sex crimes investigators from DOJ, DHS, the U.S. Postal Inspection Service, Internet Crimes Against Children (ICAC) Task Forces, and the National Center for Missing and Exploited Children (NCMEC). This access enables them to utilize INTERPOL's International Child Sexual Exploitation (ICSE) database, a system that employs sophisticated software programs to automatically extract digital information from images and compare it to stored images seized worldwide. ICSE's performance capabilities enable users to initiate investigations online, comment on shared material, apply their unique knowledge of local circumstances, and consult and collaborate with their international counterparts. To date, over 6,301 victims from more than 40 countries have been identified utilizing this database.

Dissemination of NCMEC Cyber Tipline Reports Tops 1 Million"

January 13, 2016, WASHINGTON, DC — In March 2014, INTERPOL Washington began a pilot program disseminating NCMEC leads to 10 member countries that did not have a Virtual Private Network (VPN) with either NCMEC or U.S. Immigration & Customs Enforcement, Homeland Security Investigations (ICE HSI). In May 2014, following the completion of the pilot program, the initiative began electronic dissemination of NCMEC Cyber Tipline reports to the remaining member countries. Approximately 140 member countries now receive these investigative leads from INTERPOL Washington. In November 2015, the total number of Cyber Tipline Reports disseminated internationally exceeded 1 million, and all with zero human intervention.

Announcements - Dissemination of NCMEC Cyber Tipline Reports...

One of many NCMEC leads distributed from NCB Washington landed in the country of Gibraltar. Based upon a single Cyber Tipline report, NCB Gibraltar, was able to work with their competent authority to investigate and ultimately arrest a subject, Colin FISHER, for allegations dealing with child abuse materials and other crimes. Following his conviction, FISHER was sentenced as follows:

1. Possession of Indecent Images of Children - 18 months (concurrent with Point 2)
2. Distribution of Indecent Images of Children - 32 months
3. Voyeurism (Miss "X" - former girlfriend) - 8 months on both charges, to run concurrent to each other but consecutively to Points 1 & 2
4. Voyeurism (Miss "Y" & "Z" - former work colleagues) - 4 months on each charge to run concurrent but consecutively to Points 1, 2 & 3.

In the instant case, the voyeurism allegations where not associated with the Cyber Tipline Report and completely unknown until discovered in the ensuing investigation. Thankfully, they were discovered and managed before they could progress to something much, much worse.

Identifications increase yearly as the database capabilities are propagated throughout the domestic

and international law enforcement communities by INTERPOL as well as Federal, State, Local, and Tribal law enforcement entities. To date, there are 328 trained ICSE users world-wide. INTERPOL Washington continues to assist with coordinating/facilitating user training to increase database usage and knowledge.

INTERPOL Washington is using its exclusive authority to issue INTERPOL Green Notices as a systematic means of alerting domestic and foreign police agencies to the presence of serious child sex offenders travelling from abroad. In this regard, INTERPOL Washington's authority now includes the ability to publish Green Notices on U.S. citizens and Legal Permanent Residents with an international nexus that fit the definition of Tier II and III sex offenders under the Sex Offender Registration and Notification Act (SORNA), 42 USC § 16911(4).1. Complementing these efforts, INTERPOL Washington has entered into a partnership with the U.S. Marshals Service's National Sex Offender Targeting Center to identify, target, and track non-compliant sex offenders that travel internationally.

INTERPOL Washington has partnered with U.S. Immigration and Customs Enforcement in support of Operation Predator to identify foreign sex offenders whose crimes make them removable from the United States. This includes child sex predators, smugglers, and traffickers, as well as individuals involved in the distribution of images of child sexual abuse via the Internet. To date, INTERPOL Washington has published approximately 6,000 Green Notices in support of this operation.

Furthermore, INTERPOL Washington currently partners with U.S. Immigration & Customs Enforcement (ICE), Homeland Security Investigations along with foreign law enforcement counterparts to assist in the identification and location of human rights violators and those formerly engaged in war crimes. INTERPOL Washington also partners with the ICE Human Trafficking and Smuggling Center to utilize INTERPOL notices and diffusions to identify subjects that are either suspected of or wanted for crimes of human trafficking and/or smuggling. Requests from domestic and foreign law enforcement counterparts are reviewed and entered into appropriate U.S. indices and are then disseminated to the INTERPOL community.

V. Program Increases by Item

Not applicable.

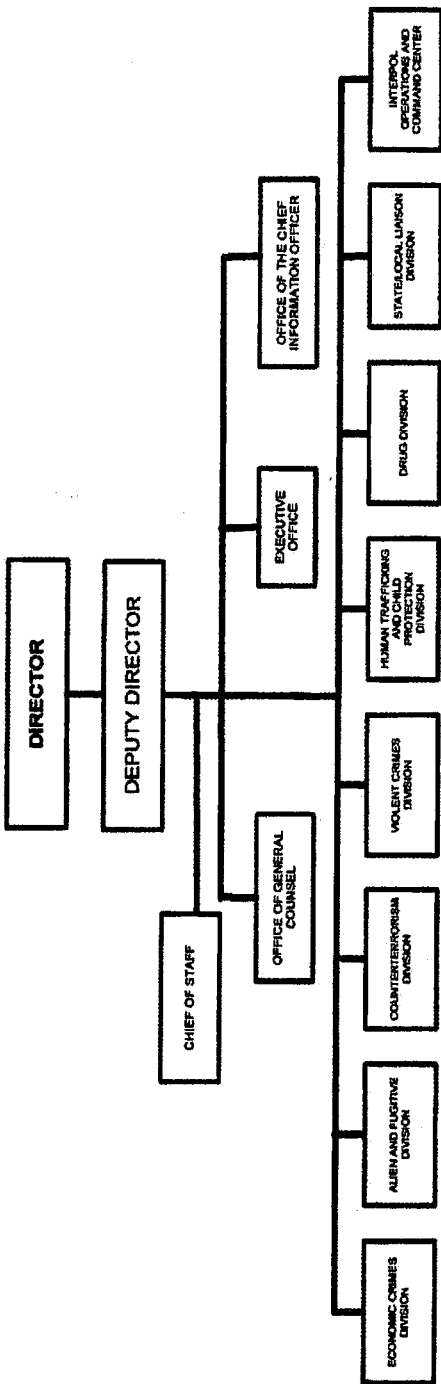
VI. Program Offsets by Item

Not applicable.

VII. Exhibits

A: Organizational Chart

**INTERPOL WASHINGTON
U.S. National Central Bureau**



Approved by:  Date: 5/16/13

Summary of Requirements
 INTERPOL Washington
 Salaries and Expenses
 (Dollars in Thousands)

B. S. Summary of Requirements

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted 1/	77	62	33,437
Total 2016 Enacted	77	62	33,437
2017 Continuing Resolution	77	69	33,437
2017 Rescission - 0.1901%	0	0	-83
Total 2017 Continuing Resolution	77	69	33,374
Base Adjustments			
Pay and Benefits	-5	3	-795
Domestic Rent and Facilities	0	0	17
Other Adjustments	0	0	8
Foreign Expenses	0	0	1,921
Total Base Adjustments	-5	3	1,151
Total Technical and Base Adjustments	-5	3	1,151
2018 Current Services	72	72	34,525
2018 Total Request	72	72	34,525
2017 - 2018 Total Change	-5	3	-1,151

1/ FY 2016 FTE is actual

Summary of Requirements
INTERPOL Washington
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Technical and Base		FY 2018 Current Services	
	Positions	Actual FTE	Positions	Amount	Positions	Amount	Positions	Amount
INTERPOL - Washington	77	62	77	33,437	69	33,374	72	34,525
Total Direct	77	62	77	33,437	69	33,374	72	34,525
Balance Rescission				0		0		0
Total Direct with Rescission		1		33,437		33,374		34,525
Reimbursable FTE								
Total Direct and Reimb. FTE		63			69		3	
Other FTE:								
LEAP		0						0
Overtime		0						0
Grand Total, FTE		63			69		3	72

Program Activity	2018 Increases		2018 Offsets		2018 Request	
	Positions	Est. FTE	Positions	Est. FTE	Positions	Est. FTE
INTERPOL - Washington	0	0	0	0	72	72
Total Direct	0	0	0	0	72	72
Balance Rescission						
Total Direct with Rescission		0		0		72
Reimbursable FTE						
Total Direct and Reimb. FTE		0		0		72
Other FTE:						
LEAP		0		0		0
Overtime		0		0		0
Grand Total, FTE		0		0		72

Justifications for Technical and Base Adjustments

INTERPOL Washington
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate FTE	Amount
Pay and Benefits			
1 2018 Pay Raise - 1.9% This request provides for a proposed 1.9 % pay raise to be effective in January 2018. The amount requested, \$137K, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$103K for pay and \$34K for benefits.)	0	0	137
2 Annualization of 2017 Pay Raise - 2.88% This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88% included in the 2017 Appropriation. The amount requested, \$66,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits.	0	0	66
3 Attrition and/or Administrative Savings To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	0	0	-1,045
4 Health Insurance Effective January 2018, the component's contribution to Federal employees' health insurance increases by 8.9 percent. Applied against the 2017 estimate, the additional amount required is \$35,000.	0	0	35
5 Position Right-sizing Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	-5	3	0
6 Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$12,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	12
Subtotal, Pay and Benefits	-5	3	-795
Domestic Rent and Facilities			
1 GSA Rent	0	0	17

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments
 INTERPOL Washington
 Salaries and Expenses
 (Dollars in Thousands)

	Positions	Estimate FTE	Amount
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$17,000 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			17
Other Adjustments			
1 Security Investigations The \$8,000 increase reflects payments to the Office of Personnel Management for security reinvestigations for employees requiring security clearances.	0	0	8
Subtotal, Domestic Rent and Facilities	0	0	8
Foreign Expenses			
1 Internat.Dues In October 2013, the INTERPOL General Assembly adopted a new model for the distribution of statutory contributions among INTERPOL member countries. Under the new dues structure, the United States will continue to pay the largest percentage, which is 19.4% in 2017. The current model ends in 2017, but the General Assembly has expressed great interest in tying the INTERPOL statutory contributions to the United Nations scale, which would have the United States pay 22% in 2018. The 2018 contribution amount is expected to be \$16.508M.	0	0	1,920
2 State Department Passport Costs Effective on October 1, 2016, DOS will begin charging \$110 per passport application to federal agencies for diplomatic, official, and no-fee regular passports provided to employees, contractors, and other individuals.	0	0	1
Subtotal, Foreign Expenses	0	0	1,921
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-5	3	1,151

F. Cost of 2016 Availability

Crosswalk of 2016 Availability

INTERPOL Washington
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover		Recoveries/Refunds			FY 2016 Availability		
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount
INTERPOL - Washington	77	62	33,437	0	0	0	0	0	77	62	33,437			
Total Direct	77	62	33,437	0	0	0	0	0	77	62	33,437			
Balance Rescission														
Total Direct with Rescission				0			0	0						0
Reimbursable FTE		1	33,437		0	0	0	0						33,437
Total Direct and Reimb. FTE		63			0								63	
Other FTE:														
LEAP FTE		0			0								0	
Overtime		0			0								0	
Grand Total, FTE		63			0								63	

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
INTERPOL Washington
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution		Reprogramming/Transfers		Carryover		Recoveries/Refunds		FY 2017 Availability		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Amount	Amount	Positions	Est. FTE	Amount
INTERPOL - Washington	77	69	33,374	0	0	1,185	0	0	77	69	34,559
Total Direct	77	69	33,374	0	0	1,185	0	0	77	69	34,559
Balance Rescission			0			0	0	0			0
Total Direct with Rescission			33,374			1,185	0	0			34,559
Reimbursable FTE		0			0						
Total Direct and Reimb. FTE		69			0					69	
Other FTE											
LEAP FTE		0			0						0
Overtime		0			0						0
Grand Total FTE		69			0					69	

Reprogramming/Transfers:

Funding of \$1.185M was transferred from INTERPOL Washington unobligated prior year balances to an INTERPOL Washington no year fund for dues payments.

Carryover:

Recoveries/Refunds:

H. Sum of Reimbursable Resources

Summary of Reimbursable Resources

INTERPOL Washington
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2018 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
U.S. Secret Service	0	0	3	0	0	3	0	0	3	0	0	0
Department of State	0	0	387	0	0	1,600	0	0	1,600	0	0	0
Other Anticipated Agreements	0	0	2	0	0	198	0	0	3	0	0	-193
U.S. Marshals Services	0	0	18	0	0	22	0	0	224	0	0	202
Director of National Intelligence	0	0	111	0	0	0	0	0	0	0	0	0
Budgetary Resources	0	0	521	0	0	1,821	0	0	1,830	0	0	9
Obligations by Program Activity	2018 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
INTERPOL - Washington	0	0	521	0	0	1,821	0	0	1,830	0	0	9
Budgetary Resources	0	0	521	0	0	1,821	0	0	1,830	0	0	9

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
 INTERPOL Washington
 Salaries and Expenses
 (Dollars in Thousands)

Category	FY 2018 Enacted		FY 2017 Continuing Resolution		FY 2018 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Clerical and Office Services (0300-0399)	66	0	28	0	0	0	0	28	0
Accounting and Budget (500-599)	3	0	3	0	0	0	0	3	0
Attorneys (905)	2	0	2	0	0	0	0	2	0
Information & Arts (1000-1099)	1	0	2	0	0	0	0	2	0
Investigation (1800-1899)	0	0	37	0	0	0	0	37	0
Criminal Investigative Series (1811)	0	0	0	0	-5	0	0	-5	0
Information Technology Mgmt (2210-2299)	5	0	5	0	0	0	0	5	0
Total	77	0	77	0	0	0	0	72	0
Headquarters Washington D.C.	77	0	76	0	-5	0	0	71	0
U.S. Fields	0	0	1	0	0	0	0	1	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	77	0	77	0	-5	0	0	72	0

Summary of Requirements by Object Class
INTERPOL Washington
 Salaries and Expenses
 (Dollars in Thousands)

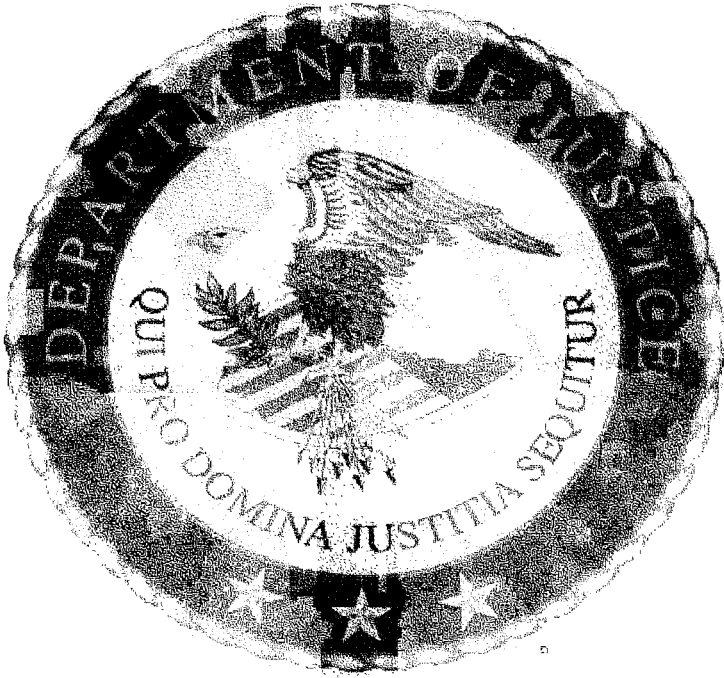
K. Surr of Requirements by Object Class

Object Class	FY 2016 Actual		FY 2017 Continuing Resolution		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	62	6,069	69	6,389	72	6,483	3	94
11.3 - Other than full-time permanent	0	0	0	67	0	0	0	-67
11.5 - Other personnel compensation	0	175	0	250	0	220	0	-30
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	0	0	0	0	0	0	0
Total	62	6,244	69	6,706	72	6,703	3	-3
Other Object Classes								
12.1 - Civilian personnel benefits		2,059		2,223		2,555		332
13.0 - Benefits for former personnel		7		7		6		-1
21.0 - Travel and transportation of persons		316		388		300		-88
22.0 - Transportation of things		60		190		190		0
23.1 - Rental payments to GSA		3,342		3,380		3,435		55
23.2 - Rental payments to others		149		147		126		-21
23.3 - Communications, utilities, and miscellaneous charges		213		215		175		-40
25.1 - Advisory and assistance services		6,169		5,966		2,305		-3,861
25.2 - Other services from non-federal sources		1,726		1,256		1,241		-15
25.3 - Other goods and services from federal sources		882		751		910		159
25.4 - Operation and maintenance of facilities		40		25		26		1
25.6 - Medical care		7		3		7		4
25.7 - Operation and maintenance of equipment		49		60		7		-53
26.0 - Supplies and materials		32		25		15		-10
31.0 - Equipment		314		314		15		-17
41.0 - Grants, subsidies, and contributions		10,965		13,185		16,509		3,324
Total Obligations		32,574		34,559		34,525		-34
Net of:								
Unobligated Balance, Start-of-Year		0		0		0		0
Transfers/Reprogramming		0		-1,185		0		1,185
Recoveries/Refunds		0		0		0		0
Balance Rescission		0		0		0		0
Unobligated End-of-Year, Available		0		0		0		0
Unobligated End-of-Year, Expiring		863		0		0		0
Total Direct Requirements		33,437		33,374		34,525		1,151
Reimbursable FTE								
Full-Time Permanent	1		0		0		0	0

Summary of Requirements by Grade
INTERPOL Washington
 Salaries and Expenses
 (Dollars in Thousands)

L. Summary by Grade

Grades and Salary Ranges	2016 Enacted		2017 Continuing Resolution		2018 Request		Increase/Decrease	
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
GS-15 \$123,788 - 155,500	5	0	5	0	5	0	0	0
GS-14 \$105,211 - 136,771	11	0	12	0	10	0	-2	0
GS-13 \$89,033 - 115,742	17	0	16	0	15	0	-1	0
GS-12 \$74,872 - 97,333	36	0	26	0	24	0	-2	0
GS-11 \$62,467 - 81,204	6	0	4	0	3	0	-1	0
GS-10 \$56,857 - 73,917	0	0	9	0	9	0	0	0
GS-9 \$51,630 - 67,114	2	0	5	0	6	0	1	0
Total, Appropriated Positions	77	0	77	0	72	0	-5	0
Average SES Salary		0		0		0		0
Average GS Salary		0		0		0		0
Average GS Grade		13		12		12		12



**CONGRESSIONAL SUBMISSION
FY 2018 PERFORMANCE BUDGET**

Antitrust Division
FY 2018 Congressional Budget Submission
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I. Overview

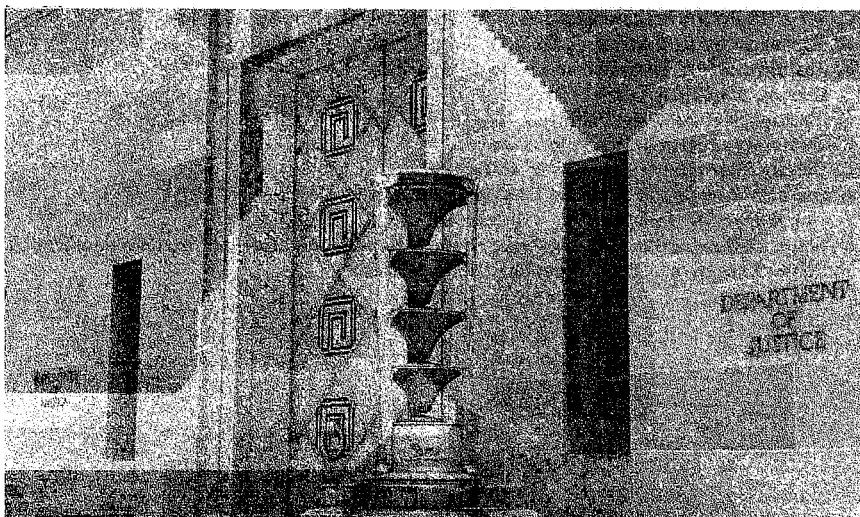
A. Introduction

The Antitrust Division is committed to its mission of promoting economic competition through enforcing and providing guidance on antitrust laws and principles. Its vision is an environment in which U.S. consumers receive goods and services of the highest quality at the lowest price and sound economics-based antitrust enforcement principles are applied.

In recent years, the Division has aggressively pursued far-reaching criminal cartel activity and important civil matters while reviewing a large number of premerger filings, many involving complex issues and global conglomerates. To administer its caseload, the Division's request includes \$164,663,000 in FY 2018, which is equal to the FY 2017 Annualized Continuing Resolution level.

It is critical that the Division have adequate resources to keep abreast of a workload, which ever increasingly involves large, multi-national corporations and anticompetitive behaviors that are pervasive and difficult to detect. By protecting competition across industries and geographic borders, the Division's work serves as a catalyst for economic efficiency and growth with benefits accruing to both American consumers and American businesses.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address:
<http://www.justice.gov/02organizations/bpp.htm>.



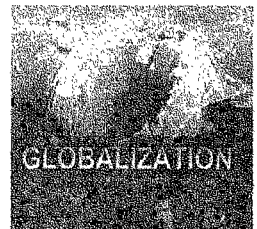
B. Issues, Outcomes, and Strategies

Fundamental changes continue in the business marketplace, including the expanding globalization of markets, increasing economic concentration across industries, and rapid technological change. These factors, added to the existing number and intricacy of our investigations, significantly impact the Division’s overall workload. Many current and recent matters demonstrate the increasingly complex, large, and international nature of the matters encountered by the Division, as the following table and exemplars indicate.

Enforcement Program	Major Matter Exemplars
<p align="center">Criminal</p>	<p>Financial Fraud Enforcement (see Exemplar - pg. 34) (Real Estate, Securities and Commodities)</p> <p>Automobile Parts (see Exemplar – pg. 37)</p> <p>Ocean Shipping (see Exemplar – pg. 40)</p> <p>Capacitors (see Exemplar – pg. 40)</p> <p>Generic Pharmaceuticals (see Exemplar – pg. 41)</p>
<p align="center">Civil Merger/Non-Merger</p>	<p><u>Merger (pg. 41)</u> Anthem/Cigna and Aetna/Humana (see Exemplar – pg. 41)</p> <p>Anheuser-Busch InBev/SABMiller (see Exemplar - pg. 42)</p> <p>Haliburton/Baker Hughes (see Exemplar – pg. 43)</p> <p><u>Non-Merger (pg. 44)</u> U.S. v. DIRECTV Litigation (see Exemplar – pg. 44)</p> <p>HSR Act Enforcement (see Exemplar – pg. 45) (ValueAct Capital, Duke Energy)</p>

Globalization

Corporate leaders continue to seek a global presence as an element of long-term economic success, and more companies are transacting a significant portion of their business in countries outside of where they are located. For example, in the United States international trade (defined as exports and imports of goods and services) was \$4.9 trillion in FY 2016.¹



¹ "U.S. International Trade in Goods and Services, February 2017." *United States Department of Commerce, Bureau of Economic Analysis*, April 2017. Viewed on April 12, 2017 at <https://www.bea.gov/newsreleases/international/trade/2017/pdf/trad0217.pdf>

The internationalization of the business marketplace has had a direct and significant impact on antitrust enforcement in general, and specifically, on the Antitrust Division's workload. A significant number of the premerger filings received by the Division involve foreign acquirers, acquirees, major customers and competitors, and/or divestitures.

This also impacts our criminal enforcement program. The Division places a particular emphasis on combating international cartels that target U.S. markets because of the breadth and magnitude of the harm that they inflict on American businesses and consumers. Of the grand juries opened through the end of FY 2016, approximately **35 percent** were associated with subjects or targets located in foreign countries. Of the approximate **\$11 billion** in criminal antitrust fines and penalties imposed by the Division between FY 1997 and the end of FY 2016, approximately **98 percent** were in connection with the prosecution of international cartel activity. In addition, approximately **91 foreign defendants** from France, Germany, Italy, Japan, South Korea, Taiwan, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom have served, or have been sentenced to serve, prison sentences in the United States as a result of the Division's cartel investigations.

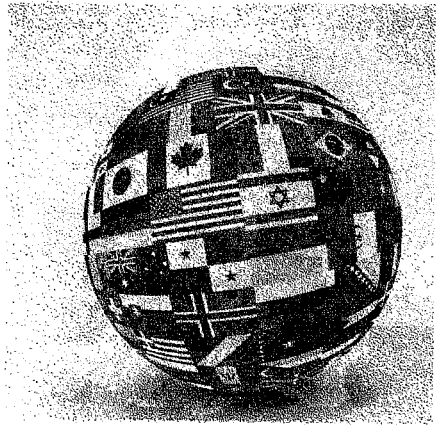
The Division's criminal enforcement program overall, including enforcement against international cartels, has resulted in an increase in criminal fines. Up until 1994, the largest corporate fine imposed for a single Sherman Act count was \$6 million. Today, fines of \$10 million or more are commonplace, including many fines in excess of \$100 million. In FY 2016, total criminal antitrust fines obtained were just over **\$399 million**.

In FY 2015, the Division was instrumental in the Department's investigation of the foreign currency exchange (FX) spot market, which resulted in five major banks agreeing to plead guilty to felony charges. Four banks – Citicorp, JPMorgan Chase & Co., Barclays PLC, and The Royal Bank of Scotland plc – agreed to plead guilty to conspiring to manipulate the price of U.S. dollars and euros exchanged in the FX spot market and to pay criminal fines totaling more than **\$2.5 billion**. The \$925 million fine obtained from one of the banks was the largest criminal fine ever obtained for an antitrust charge. A fifth bank, UBS AG, agreed to plead guilty to manipulating the London Interbank Offered Rate (LIBOR) and other benchmark interest rates and pay a \$203 million criminal penalty, after breaching its non-prosecution agreement resolving the LIBOR investigation. In conjunction with previously announced settlements with regulatory agencies in the United States and abroad, the total fines and penalties paid by these five banks for their conduct in the FX spot market was nearly **\$9 billion**.

As discussed above, our work no longer takes place solely within the geographic borders of the U.S. In our enforcement efforts we find parties, potential evidence, and impacts abroad, all of which add complexity, and ultimately cost, to the pursuit of matters. Whether that complexity and cost results from having to collect evidence overseas or from having to undertake extensive inter-governmental negotiations in order to depose a foreign national, it makes for a very different, and generally more difficult investigatory process than would be the case if our efforts were restricted to conduct and individuals in

the U.S. The markets and competitors affecting U.S. businesses and consumers are more international in scope, and the variety of languages and business cultures that the Division encounters has increased. Consequently, the Division must spend more for translators and translation software, interpreters, and communications, and Division staff must travel greater distances to reach the people and information required to conduct an investigation effectively and expend more resources to coordinate our international enforcement efforts with other countries and international organizations.

International Competition Advocacy - The Antitrust Division actively works to encourage sound global enforcement of competition laws, pursuing this goal by strengthening bilateral ties with antitrust agencies worldwide, participating in multilateral organizations, and working with countries that are in the process of adopting antitrust laws. To date, the Division has entered into antitrust cooperation agreements with fifteen foreign governments – Australia, Brazil, Canada, Chile, China, Colombia, the European Union, Germany, India, Israel, Japan, Korea, Mexico, Peru, and Russia, and we are active participants in international organizations such as the International Competition Network (ICN), which the Division co-founded, and the Competition Committee of the Organization for Economic Development (OECD). Our engagement prioritizes cartel enforcement, international cooperation, particularly on mergers, procedural fairness and, where appropriate, antitrust policy convergence. Efforts to promote best practices in these areas help enhance global and U.S. antitrust enforcement and reduce the burden on U.S. companies that operate in international markets.



Cartel enforcement is an example of the success of the Division's global engagement. Worldwide consensus continues to grow that international cartel activity is pervasive and is victimizing consumers everywhere. For fiscal years 2000 to 2016, the affected annual sales in the U.S. of cartels prosecuted by the Division totaled \$37.7 billion, and a conservative estimate of the consumer benefits from the prosecutions is \$3.9 billion. The Antitrust Division's commitment to detect and prosecute international cartel activity is shared with foreign governments throughout the world, many of whom cooperate with the Division through mutual legal assistance treaties and pursue cartel activity in their own country.

The Division is a strong advocate for effective anti-cartel enforcement around the world. As effective global cartel enforcement programs are implemented and criminal cartel penalties adopted, the overall detection of large, international cartels increases, as does the Division's ability to collect evidence critical to its enforcement efforts on behalf of American consumers. In the past decade, dozens of jurisdictions have increased penalties for cartel conduct, improved their investigative powers and introduced or revised amnesty

programs. For example, Canada and Mexico have recently adopted or strengthened criminal sanctions for hard core cartel conduct. In addition, jurisdictions such as Australia, Brazil, Canada, Japan, New Zealand, and South Korea have made revisions to their cartel amnesty policies making them more consistent with the United States.

The Division also regularly cooperates with its international counterparts in its civil conduct and merger enforcement activities. Engagement with international counterparts helps give cooperating agencies a fuller picture of the merger or conduct under investigation and its potential competitive effects. Working closely with other jurisdictions also helps avoid the prospect of multiple jurisdictions' propounding conflicting theories of harm or adopting inconsistent remedies, and makes sure that parties can actually comply with a remedy that may be imposed by multiple jurisdictions. In any given year, the Division works on dozens of investigations with an international dimension, most of which involve cooperation with competition agencies in other jurisdictions.

Multilateral engagement is equally important in supporting the Division's antitrust enforcement agenda. In October 2001, with leadership from the Antitrust Division, ICN, which is comprised of competition authorities from 14 jurisdictions, was launched. The Division continues to play an important role in ICN, building consensus, where appropriate, among antitrust authorities on sound competition principles and provides support for new antitrust agencies in enforcing their laws and building strong competition cultures. As of 2016, the ICN has grown to include 132 agencies from 120 jurisdictions.

Similarly, since the 1960s, the Division has regularly participated in meetings of the OECD's Competition Committee (CC). The CC has three primary goals: to identify best practices in competition policy and antitrust enforcement, to foster convergence among national antitrust policies, and to promote increased cooperation among antitrust agencies. The CC has produced several non-binding OECD recommendations that have been helpful in advancing our enforcement interests. Over the years the CC has also produced a number of useful studies (*e.g.*, leniency, impact of hard core cartels), held roundtables on many antitrust subjects, and pushed many members in a generally de-regulatory and market-oriented direction. The CC's Working Party No. 3 (WP3) covers enforcement and international cooperation. WP3 has traditionally been chaired by a Division representative (AAG or DAAG).



Intellectual Property

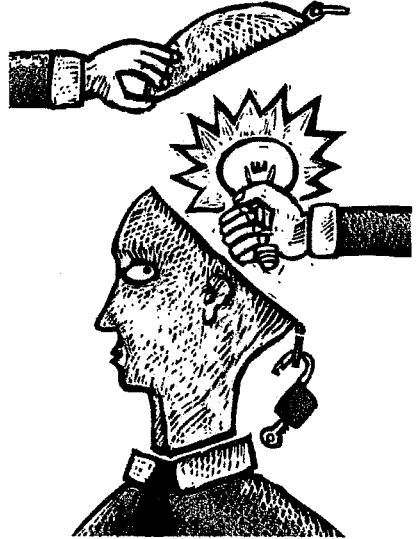
Invention and innovation are critical in promoting economic growth, creating jobs, and maintaining our competitiveness in the global economy. Intellectual property (IP) laws create exclusive rights that provide incentives for innovation. Antitrust laws ensure that new proprietary technologies, products, and services are bought, sold, traded and licensed in a competitive environment. Together, antitrust enforcement and IP protection promote the innovation necessary for economic success. Issues involving IP have arisen in various parts of the Division's recent work, as described below.

Patent Assets in Antitrust Cases and Business Reviews – The Division analyzes acquisitions of significant patent assets closely to ensure competition is protected and invention and innovation are advanced. The Division also investigates allegations that companies are using their intellectual property in a way that violates the antitrust laws, and challenges those activities where appropriate.

In addition, the Division has a business review process that enables companies concerned about the legality of proposed activity under the antitrust laws to ask the Department of Justice for a statement of its current enforcement intentions with respect to that activity. After completing an investigation, the Department publishes its business review letter, explaining its intentions. In February 2015, the Division analyzed a proposed update by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) to clarify its standards association's patent policy and concluded it was unlikely to challenge the proposal.

International Advocacy – The Division regularly engages in international competition advocacy projects promoting the use of sound analysis of competition complaints involving intellectual property rights in multinational fora, such as the Organization for Economic Cooperation and Development, United Nations Conference on Trade and Development (UNCTAD), and the Asian Pacific Economic Cooperation, as well as with our antitrust enforcement counterparts in other jurisdictions, including China, the European Commission, India, Japan, and Korea.

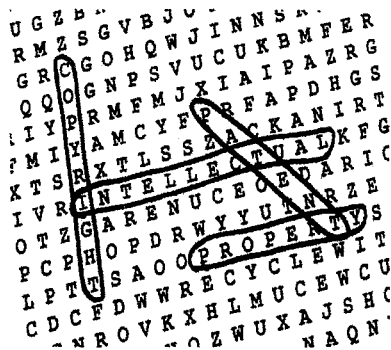
To ensure that U.S. businesses can fully and appropriately utilize their important intellectual property rights, it is crucial that other jurisdictions approach the intersection of antitrust and intellectual property in ways that promote both competitive markets and respect for intellectual property rights. The Division is committed to advocating that all jurisdictions enforce competition laws in ways that create the right incentives to promote



innovative activity. In October 2016, the Division participated in a roundtable organized by UNCTAD on the interface between antitrust enforcement and policy and intellectual property.

Interagency Initiatives – The Division regularly participates in interagency activities that promote competition advocacy where antitrust and intellectual property law and policy intersect.

In January 2017, the Division, with the Federal Trade Commission, issued an update to the Antitrust Guidelines for the Licensing of Intellectual Property to reflect intervening changes in statutes, case law, and enforcement policy. The update builds on the success of the 1995 IP Licensing Guidelines, which guided enforcement decisions and policy documents involving antitrust and intellectual property law, provided a model for foreign jurisdictions, and aided business planning.



Appellate Filings - The Division provides its views in Supreme Court and appellate cases involving intellectual property that have a significant potential to affect competition and may in other ways contribute actively to the development of a brief.

In October 2016, the United States submitted an amicus brief urging the Supreme Court to decline to hear an appeal in *SmithKline Beecham Corp. v. King Drug Company* – a case in which the Third Circuit ruled that a patent settlement agreement that required the patent owner, a branded drug manufacturer, to pay a generic drug entrant to stay out of the market was not immune from antitrust challenge even though the payment was not in the form of cash. The Supreme Court declined to hear the case, leaving the Third Circuit’s ruling in place.

Economic Concentration

Ongoing economic concentration across industries and geographic regions also increases the Division’s workload. Where there is a competitive relationship between or among the goods and/or services produced by the parties, the analysis necessary for thorough merger review becomes more complex. Competitive issues and efficiency defenses are more likely to surface in such reviews, adding complexity and cost to the Division’s work.

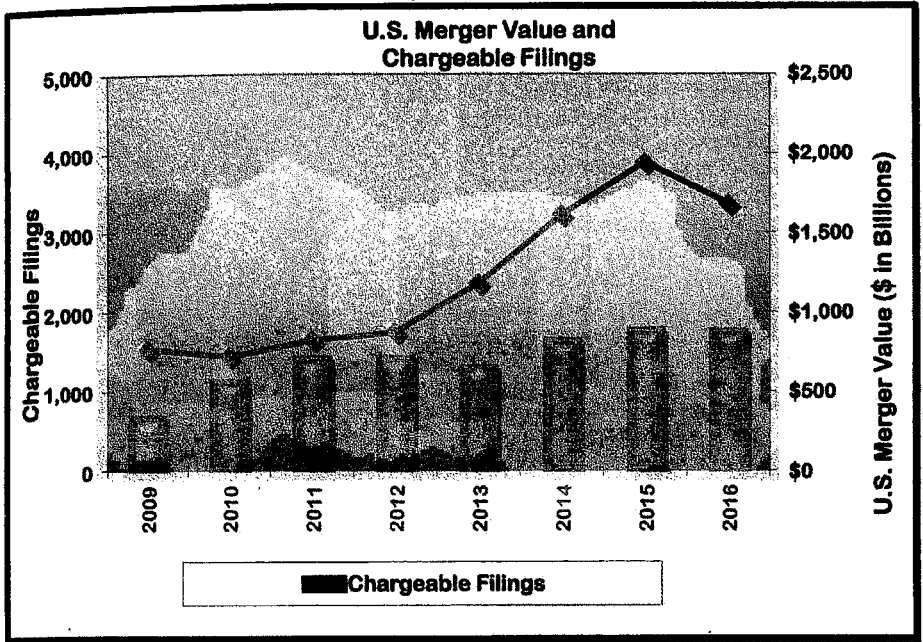


Figure 1

As shown in Figure 1, the overall economic downturn that began in calendar year 2008 affected merger deals in 2009 and the year finished with \$767 billion in U.S. merger value. However, merger and acquisition activity has improved since calendar year 2009. In calendar year 2016, worldwide merger and acquisition volume reached \$3.7 trillion and U.S. volume reached an annual total of \$1.7 trillion.³

According to the KPMG 2017 M&A Market Pulse Survey, “U.S. merger and acquisition (M&A) activity is expected to remain steady in 2017, compared to deal levels of 2016,” and 84 percent of M&A professionals surveyed are planning at least one acquisition in 2017.⁴

³ “Investment Banking Scorecard,” *The Wall Street Journal*. Viewed on April 12, 2017 at <http://graphics.wsj.com/investment-banking-scorecard/>.

⁴ “KPMG M&A Pulse: Deal Activity Expected To Be Steady In 2017,” *KPMG*, November 2016. Viewed on April 12, 2017 at <https://home.kpmg.com/us/en/home/media/press-releases/2016/11/kpmg-ma-pulse-deal-activity-expected-to-be-steady-in-2017.html>.

Technological Change and the Changing Face of Industry

Technological change continues to create new businesses and industries virtually overnight, and its impact on the overall economy is enormous. The emergence of new and improved technologies in robotics, transportation, wireless communications, Over-the-Top (OTT) services such as Voice over Internet Protocol (VoIP) and mobile collaboration, biometrics and online security continues and intensifies.



We will see even more advances in technology in coming years as the telecommunications upheaval continues to transform services traditionally offered to subscribers by network operators, such as voice calls, messaging and video content delivery. Global mobile subscriptions reached close to 7.5 billion in 2016 and are expected to grow to 8.9 billion by 2022 according to the Ericsson Mobility Report, published by Ericsson in November 2016.⁵

Clearly, being 'connected' while on-the-go has become essential to the American daily lifestyle, and this connectivity demand continues to result in rapidly emerging newer and faster networks, services, applications and equipment. By 2022, it's estimated that the number of smartphone subscriptions alone is set to reach 6.8 billion, a substantial increase over the 3.9 billion smartphone subscriptions in 2016. Mobile video traffic is set by 2022 to grow to around 75 percent of all mobile data traffic, an increase of 25% over 2016 traffic levels.⁶

As more consumers turn to Over-the-Top services (Internet or broadband-based services that replicate services traditionally offered to subscribers by network operators, such as messaging, voice calls and video content delivery) expanding technologies such as wireless video streaming and Voice over Internet Protocol (VoIP), stand to grow dramatically over the next several years. According to Digital TV Research, OTT revenue is expected grow to \$64.8 billion in 2021 compared to \$29.4 billion in 2015.⁷

VoIP

⁵ "Ericsson Mobility Report – On the Pulse of the Networked Society." *Ericsson*, November 2016: 2. Viewed on April 12, 2017 at <https://www.ericsson.com/assets/local/mobility-report/documents/2016/ericsson-mobility-report-november-2016.pdf>.

⁶ "Ericsson Mobility Report – On the Pulse of the Networked Society" *Ericsson*, November 2016: 2, 14. Viewed on April 12, 2017 at <https://www.ericsson.com/assets/local/mobility-report/documents/2016/ericsson-mobility-report-november-2016.pdf>.

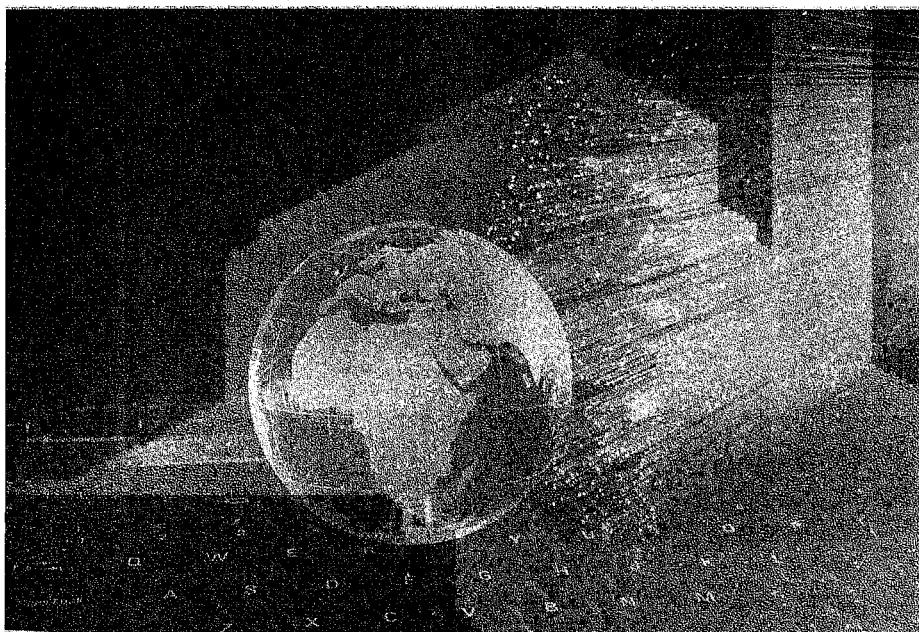
⁷ "OTT TV & video revenues to generate \$65 billion." *Digital TV Research*, July 19, 2016. Viewed on April 12, 2017 at <https://www.digitaltvresearch.com/press-releases?id=170>.

The continuing evolution of technology, as it reshapes both industries and business processes worldwide, creates new demands on the Antitrust Division. The economic paradigm is shifting so rapidly that the Division must employ new analytical tools, which allow it to respond quickly and appropriately. It must be vigilant against anticompetitive behavior in the new economy where the Internet and cutting-edge information technology may facilitate the rapid entry and dominance of emerging markets.

Technological Change and Information Flows

Technological change is occurring at a blistering pace, as evidenced by the proliferation of wireless communication enhancements; the near daily evolution of mobile handheld devices, computer components, peripherals and software; and the growing use of video teleconferencing technology to communicate globally.

As the tools of the trade become more sophisticated, there appears to be a corresponding growth in the subtlety and complexity with which prices are fixed, bids are rigged, and market allocation schemes are devised. The increased use of electronic mail, and even faster, more direct methods of communication, such as text and instant messaging, has fostered this phenomenon. Moreover, the evolution of electronic communication results in an increase in the amount and variety of data and materials that the Antitrust Division must obtain and review in the course of an investigation. In addition to hard-copy documents, telephone logs, and other information from public sources, including the Internet, the Division now regularly receives magnetic tapes, CD's, and computer servers containing the e-mail traffic and documents of companies under investigation.



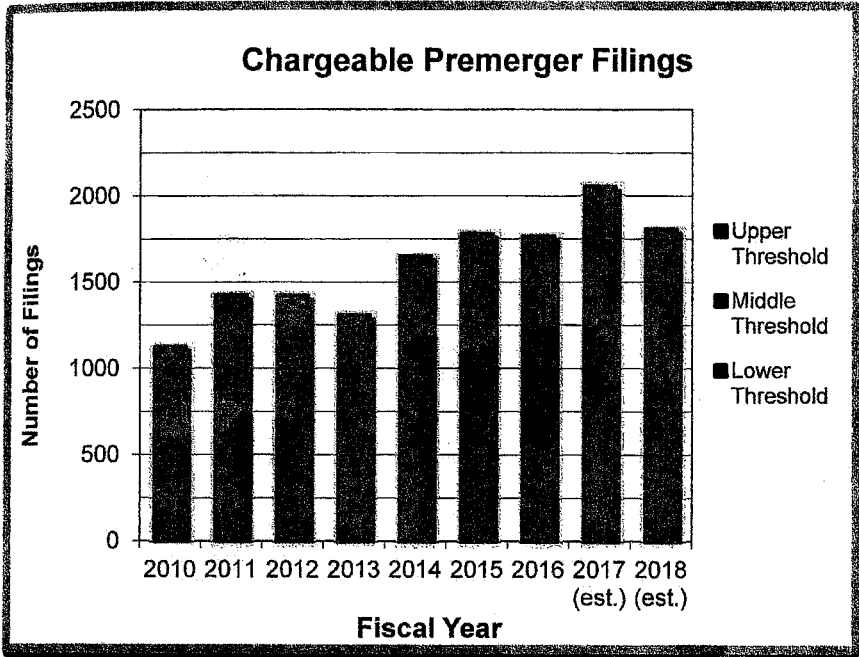
Results

While specific GPRA Performance Measures are addressed in the Decision Unit Justification section of this submission, several interesting statistics relative to the Division's performance include:

- From FY 2009 through the end of FY 2016, as a result of the Division's efforts, over **\$9.5 billion in criminal fines and penalties** were obtained against antitrust violators. In FY 2016, the Division obtained just over **\$399 million** in criminal fines.
- In the area of criminal enforcement, the Division continues to move forcefully against hard-core antitrust violations such as price-fixing, bid rigging and market allocation agreements. A significant number of our prosecutions have involved international price-fixing cartels, impacting billions of dollars in U.S. commerce. **Since FY 1997, defendants have been sentenced to pay approximately \$11 billion in criminal fines and penalties to the U.S. Treasury, including more than \$7 billion just since the beginning of FY 2008.**
- In FY 2016, as the result of Division enforcement efforts, 14 corporations and 36 individuals were sentenced due to antitrust violations. Prison sentences between FY 2000 and the end of FY 2016 were an **average of approximately 21 months**, close to two and a half times the 8-month average sentence of the 1990's. Prison sentences, since FY 1990 have resulted in approximately **740 years** of imprisonment in cases prosecuted by the Antitrust Division, with **261 defendants** sentenced to imprisonment of one year or longer.
- Coupled with the increasing frequency and duration of defendants' incarceration, was a rise in monetary restitution by criminal defendants. From FY 2004 through the end of FY 2016, restitution generated by the Division was over **\$109 million**.
- Despite a workload of increasingly complex cases, the Antitrust Division has made great strides in combating anticompetitive behavior across industries and geographic borders and has saved consumers billions of dollars by ensuring a competitive and innovative marketplace. **Since FY 1998, the first year for which data is available, the Division, through its efforts in all three enforcement areas - merger, criminal and civil non-merger - is estimated, conservatively, to have saved consumers \$47 billion.**

Revenue Assumptions

Estimated FY 2018 filings and fee revenue take into account the relative optimism of current medium-range economic forecasts. In the January 2017 update to its "Budget and Economic Outlook: 2017 to 2027", the Congressional Budget Office predicts that "Economic growth over the next two years would remain close to the modest rate observed since the end of the recession in 2009."⁸



Premerger Filing Fee Thresholds Effective Feb 27, 2017	
Value of Transaction	Filing Fee
Lower: \$80.8M - <\$161.5M	\$45,000
Middle: \$161.5M - <\$807.5M	\$125,000
Upper: \$807.5M plus	\$280,000

Figure 2

(Consistent with statutory direction, pre-merger filing fee threshold amounts are adjusted annually based on the U.S. Gross Domestic Product Index and are reflected in the table above)

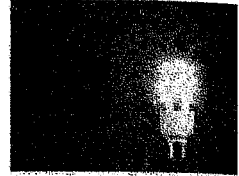
Based upon estimates calculated by the Congressional Budget Office and the Federal Trade Commission (FTC), fee collections of \$225.4 million for FY 2018 are expected. Hart-Scott-Rodino (HSR) filing fee revenue is collected by the FTC and divided evenly with the Antitrust Division.

⁸ "The Budget and Economic Outlook: 2017 to 2027." *Congressional Budget Office*, January 2017: 1. Viewed on April 12, 2017 at <https://www.cbo.gov/sites/default/files/115th-congress-2017-2018/reports/52370-budeconoutlook.pdf>.

Environmental Accountability

The Antitrust Division is mindful of responsible environmental management and has implemented processes to encourage awareness throughout the Division, including:

- Adherence to environmental standards during the procurement process to ensure products meet the recommended guidelines of the Department of Energy's energy efficiency standards, the Environmental Protection Agency's designated recovered material and bio-based products specifications, and the Department of Justice's Green Purchase Plan requirements.
- The Antitrust Division's central Washington D.C. Liberty Square building meets many LEED (Leadership in Energy and Environmental Design) criteria and includes many environmentally sound features including: zoned climate control for efficiencies in heating and air conditioning, motion sensed overhead lighting to minimize wasted energy in unoccupied space, and a building wide recycling program for paper, plastic, glass, and newspaper.
- The Division encourages employees to print documents only when absolutely necessary and, whenever possible, print double-sided in an effort to save paper.

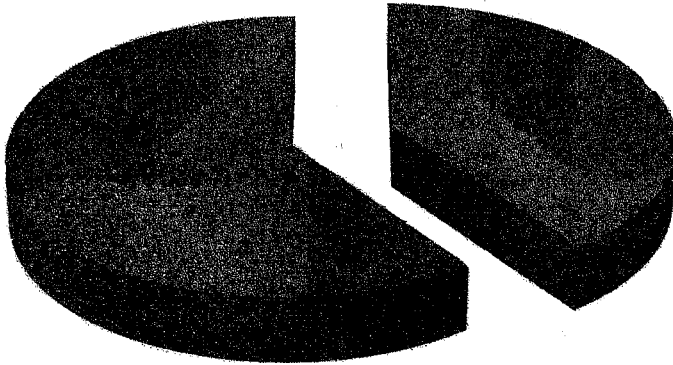


The Division will continue to implement additional programs as further guidance is received from the Department, Administration and Congress.

Summary

The Division is continually challenged by an increasingly international and complex workload that spans enforcement areas and requires considerable resources to manage. With our children destined to inherit the resulting markets, the importance of preserving economic competition in the global marketplace cannot be overstated. The threat to consumers is very real, as **anticompetitive behavior leads directly to higher prices and reduced efficiency and innovation.** In recognition of the importance of its mission, the Antitrust Division requests a total appropriation of \$164,663,000 in support of 695 positions and 695 estimated FTE.

FY 2018 Total Budget Request by Program Area



■ Criminal: \$65.865

■ Civil: \$98.798

Figure 3

C. Full Program Costs

The Antitrust Division contains one Decision Unit (Antitrust) and can be divided into two broad program areas:

- Criminal Enforcement
- Civil Enforcement

In recent years, approximately 40 percent of the Division's budget and expenditures can be attributed to its criminal program and approximately 60 percent of the Division's budget and expenditures can be attributed to its civil program. The FY 2018 budget request assumes this same allocation.

This budget request incorporates all costs to include mission costs related to cases and matters, mission costs related to oversight and policy, and overhead.

D. Performance Challenges

External Challenges

As detailed in the Issues, Outcomes, and Strategies section, the Antitrust Division faces many external challenges that require flexibility and adaptability in order to pursue its mission. These external challenges include:

- Globalization of the business marketplace
- Increasing economic concentration across industries and geographic regions
- Rapid technological change

Internal Challenges

Much like its external challenges, highly unpredictable markets and economic fluctuations influence the Division's internal challenges. To accommodate these ever-changing factors, the Division must continuously and diligently ensure proper allocation and prudent use of its resources.

Information Technology (IT) Expenditures

The Antitrust Division's IT budget will continue to support several broad Information Technology areas essential to carrying out its mission. These Information Technology areas include:

- *Data Storage* – Electronic storage and processing capability, vital to the mission of the Antitrust Division, continues to expand, growing exponentially since FY 2003, when 12 terabytes (12 trillion bytes) of capacity readily satisfied Division demands. By FY 2010 requirements surpassed 100 terabytes and the Division expects electronic analytical capacity needs to **reach 2,233 terabytes (TB) by FY 2017 and 3,260 TB by FY 2018.**
- *Data Security* – Monitoring and effecting actions to ensure that system design, implementation, and operation address and minimize vulnerabilities to various threats to computer security, including carrying out security planning, risk analysis, contingency planning, security testing, intrusion detection, and security training.
- *Litigation Support Systems* – Providing litigation support technologies that encompass a wide range of services and products that help attorneys and economists acquire, organize, develop, and present evidence. Providing courtroom presentation and related training to the legal staff to develop staff courtroom skills and practice courtroom presentations using state-of-the-art technology.

- *Office Automation* – Providing staff technological tools comparable to those used by opposing counsel, thereby ensuring equitable technological capabilities in antitrust litigation. These tools are used for desktop data review and analysis, computer-based communication, the production of time-critical and sensitive legal documents, and preparing presentations and court exhibits.
- *Management Information Systems* – Developing, maintaining, and operating data and information systems which support management oversight, direction of work, budget, and resources of the Division. Various tracking systems help ensure timely and efficient conduct of the Division’s investigations through use of automated, web-based tools.
- *Telecommunications* – Developing, providing, maintaining, and supporting networks and services required for voice and data communications among the Division’s offices, with outside parties, and in support of federal telework objectives.
- *Web Support* – Developing and maintaining the Division’s Internet and internal ATRnet site. Posting case filings, documents and data related to cases and investigations; designing and developing new applications, providing public access to key Division information, and ensuring compliance with web standards and guidelines, including guidelines for usability and accessibility.

II. Summary of Program Changes

No program changes.

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

Salaries and Expenses, Antitrust Division

For expenses necessary for the enforcement of antitrust and kindred laws, [\$164,977,000] \$164,663,000 to remain available until expended: Provided, That, notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be [\$124,000,000] \$112,700,000 in fiscal year [2016] 2018), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year [2016] 2018; so as to result in a final fiscal year [2016] 2018 appropriation from the general fund estimated at [\$40,977,000] \$51,963,000.

Analysis of Appropriations Language

No substantive changes proposed.

IV. Program Activity Justification

A. Decision Unit: Antitrust

Antitrust Division Fiscal Year 2018 Congressional Budget Submission Decision Unit Justification (dollars in thousands)			
Decision Unit: Antitrust - TOTAL	Direct Positions	Estimate FTE	Amount
2016 Enacted	830	689	\$164,977
2017 Continuing Resolution	830	694	\$164,663
Adjustments to Base and Technical Adjustments	-135	1	\$0
2018 Current Services	695	695	\$164,663
2018 Request	695	695	\$164,663
Total Change 2017 - 2018	-135	1	\$0

Note: FY 2016 FTE is actual.

1. Program Description

The Antitrust Division promotes competition and protects consumers from economic harm by enforcing the Nation's antitrust laws. Free and open competition benefits consumers by ensuring lower prices and new and better products. The perception and reality among consumers and entrepreneurs that the antitrust laws will be enforced fairly and fully is critical to the economic freedom of all Americans. Vigorous competition is also critical to assure the rapid innovation that generates continued advances in our standard of living and our competitiveness in world markets.

At its highest level, the Division has two main strategies - Criminal and Civil. All of the Division's activities can be attributed to these two strategies and each strategy includes elements related to investigation, prosecution, and competition advocacy. To direct its day-to-day activities, the Division has established six supervisory Deputy Assistant Attorney General (DAAG) positions reporting directly to the Assistant Attorney General. Each of these DAAGs has oversight of a specific program including a Principal DAAG and a DAAG for Civil Enforcement, Criminal Enforcement, Litigation, Operations, and Economic Analysis.



Criminal Enforcement - Within the Criminal strategy, the Antitrust Division must address the increased globalization of markets, constant technological change, and a large number of massive criminal conspiracies the Division is encountering. These matters transcend national boundaries, involve more technologically advanced and subtle forms of criminal behavior, and impact more U.S. businesses and consumers than ever before. The requirements -- whether in terms of staff time, travel and translation costs, or automated litigation support -- of fighting massive criminal conspiracies effectively is great. Matters such as the Division's ongoing investigation in the auto parts industry (page 37) exemplify the increasingly complex nature of Division workload in the criminal area and demonstrate that successful pursuit of such matters takes time and resources.

Civil Enforcement - Under the Civil strategy, the Division seeks to promote competition by blocking potentially anticompetitive mergers before they are consummated and pursuing non-criminal anticompetitive behavior such as group boycotts and exclusive dealing. The Division's Civil strategy seeks to maintain the competitive structure of the

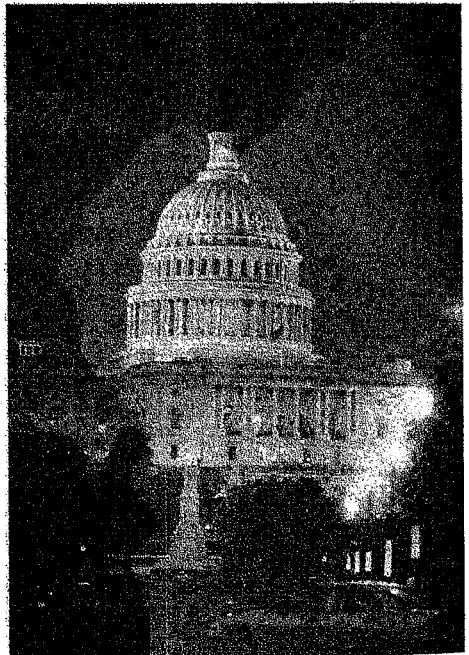
national economy through investigation and litigation of instances in which monopoly power is sought, attained, or maintained through anticompetitive conduct and by seeking injunctive relief against mergers and acquisitions that may tend substantially to lessen competition. The Division's Merger Review work can be divided into roughly three categories:

- Review of HSR transactions brought to our attention by statutorily mandated filings
- Review of non-HSR transactions (those not subject to HSR reporting thresholds); and
- Review of bank merger applications.

Competition Advocacy - As an advocate of competition, the Antitrust Division seeks the elimination of unnecessary regulation and the adoption of the most competitive means of achieving a sound economy through a variety of activities on the national and international stages. Areas in which the Division pursues competition advocacy initiatives include:

Regulatory Issues - The Antitrust Division actively monitors the pending actions of federal, state, and local regulatory agencies either as statutorily mandated, as in the case of telecommunication and banking markets, or through review of those agencies' dockets and industry or other publications and through personal contacts in the industries and in the agencies. Articulation of a pro-competitive position may make the difference between regulations that effectively do no antitrust harm and actively promote competitive regulatory solutions and those that may negatively impact the competitiveness of an industry. Examples of regulatory agencies before which the Division has presented an antitrust viewpoint include the Federal Communications Commission, Securities and Exchange Commission and the Federal Energy Regulatory Commission.

Review of New and Existing Laws - Given the dynamic environment in which the Antitrust Division must apply antitrust laws, refinements to existing law and enforcement policy are a constant



consideration. Division staff analyzes proposed legislation and draft proposals to amend antitrust laws or other statutes affecting competition. Many of the hundreds of legislative proposals considered by the Department each year have profound impacts on competition and innovation in the U.S. economy. Because the Division is the Department's sole resource for dealing with competition issues, it significantly contributes to legislative development in areas where antitrust law may be at issue.

For example, the Division has filed numerous comments and provided testimony before state legislatures and real estate commissions against proposed legislation and regulations that forbid buyers' brokers from rebating a portion of the sales commission to the consumer or that require consumers to buy more services from sellers' brokers than they may want, with no option to waive the extra items.

Education, Speeches, and Outreach – The Division seeks to reach the broadest audience in raising awareness of competition issues and, to do so, provides guidance through its business review program, outreach efforts to business groups and consumers, and the publication of antitrust guidelines and policy statements aimed at particular industries or issues. Division personnel routinely give speeches addressing these guidelines and policy statements to a wide variety of audiences including industry groups, professional associations, and antitrust enforcers from international, state, and local agencies.

In addition, the Division seeks opportunities to deploy its employees to serve the needs of the federal government for a broad variety of policy matters that involve competition policy to include:

- Detailing Division employees to federal agencies and other parts of the Administration and
- Actively participating in White House interagency task forces

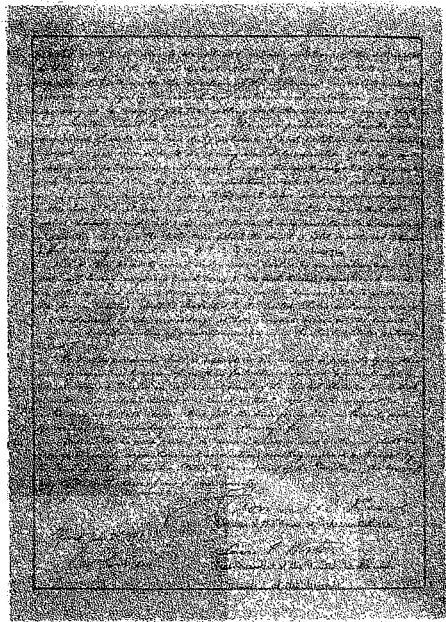
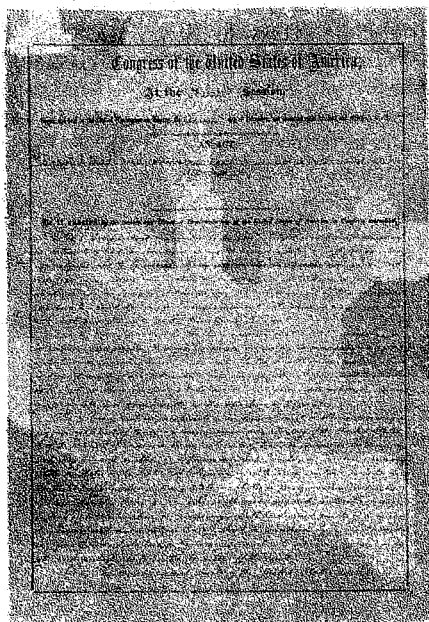
International Advocacy – The Antitrust Division continues to work toward bringing greater cooperation to international enforcement, promoting procedural fairness and transparency both at home and abroad, and achieving greater convergence, where appropriate, to the substantive antitrust standards used by agencies around the world. The Division pursues these goals by working closely with multilateral organizations, strengthening its bilateral ties with antitrust agencies worldwide, and working with countries that are in the process of adopting antitrust laws. One of the most notable examples of the Division's international efforts includes its participation in the

International Competition Network (ICN). The 15th annual conference of the ICN was held in Singapore in April 2016 where ICN members approved new work on crafting remedies in merger review, agency assessment and performance measurement, cartel investigative powers, market studies, competition agency ethics programs, and advocacy to the business community.



With support from the Antitrust Division, the Organization for Economic Cooperation and Development (OECD) and the International Competition Network (ICN) are assisting substantially in Division efforts to achieve a more transparent, and where appropriate, uniform worldwide application of central antitrust enforcement principles.

Laws Enforced: There are three major federal antitrust laws: the Sherman Antitrust Act (pictured below), the Clayton Act and the Federal Trade Commission Act. The Sherman Antitrust Act has stood since 1890 as the principal law expressing the United States' commitment to a free market economy. The Sherman Act outlaws all contracts, combinations and conspiracies that unreasonably restrain interstate and foreign trade. The Department of Justice alone is empowered to bring criminal prosecutions under the Sherman Act. The Clayton Act is a civil statute (carrying no criminal penalties) that was passed in 1914 and significantly amended in 1950. The Clayton Act prohibits mergers or acquisitions that are likely to lessen competition. The Federal Trade Commission Act prohibits unfair methods of competition in interstate commerce, but carries no criminal penalties.



(An Act to protect trade and commerce against unlawful restraints and monopolies ("Sherman Antitrust Act"), July 2, 1890; 51st Congress, 1st Session, Public Law #190; Record Group 11, General Records of the U.S.)

2. Performance and Resource Tables									
Decision Unit/Program: Antitrust									
TYPE	WORKLOAD/RESOURCES	Target		Projected		Changes		Requested (Total)	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	Workload - Number of HSR Transactions Received	694	1,635	694	1,635				1,635
	Total Costs and FTE	694	\$164,877	694	\$164,863		\$0	695	\$164,863
	Antitrust								
	PERFORMANCE/RESOURCES								
Program Activity	1. Criminal	278	\$65,991	278	\$65,865	0	\$0	278	\$65,865
Performance Measure - Criminal	Number of Active Grand Juries		75		75				75
	Dollar Volume of U.S. Commerce Affected in Relevant Markets Where Pleas/Cases Favorably Resolved (\$ in millions)		Not Projected		Not Projected				Not Projected
Program Activity	2. Civil	416	\$98,886	416	\$98,798		\$0	417	\$98,798

TYPE/Strategic Objective	PERFORMANCE/RESOURCES	Target	Actual	Projected	Changes	Requested (Total)
Performance Measure – Merger	Number of Preliminary Inquiries Opened	FY 2018 70		FY 2017 70	Current Services Adjustments and FY 2018 Program Changes 0/0	FY 2018 Request 70
Performance Measure – Civil Non-Merger	Number of Active Investigations	70		50	0/0	50
Performance Measure – Civil Merger and Non-Merger	Dollar Volume of U.S. Commerce Affected in Relevant Markets for all Merger Wins and All Non-Merger Pleas/Cases Favorably Resolved (\$ in millions)	Not Projected		Not Projected	Not Projected	Not Projected
Outcome – Criminal, Civil (Merger and Civil Non-Merger)						
Consumer Savings	Criminal: Total Dollar Value of Savings to U.S. Consumers (\$ in millions) Civil: Total Civil (Merger and Non-Merger) Dollar Value of Savings to U.S. Consumers (\$ in millions)	Not Projected		Not Projected	Not Projected	Not Projected
Success Rates	Criminal - Percentage of Cases Favorably Resolved Civil - Percentage of Cases Favorably Resolved	Not Projected 90% 80%		Not Projected 90% 80%	Not Projected 0 0	Not Projected 90% 80%

TABLE DATA DEFINITIONS:

Program Activity Data Definition, Validation, Verification, and Limitations:

Criminal, Civil Merger and Civil Non-Merger performance measure target adjustments for FY 2017 through FY 2018 projections are based on an analysis of FY 2007 through FY 2016 actual amounts.

Criminal Performance Measure:

During the course of the year, if the Antitrust Division subpoenas individuals to, questions witnesses before, presents information to, or otherwise has contact with a grand jury for one of our investigations, it is considered an Active Grand Jury. In some instances, the Division may conduct an investigation during the course of the year, but not bring witnesses before or present evidence to the applicable grand jury until a subsequent year. For example, it may require a significant amount of investigatory time or coordination with foreign enforcement authorities to obtain critical evidence for presentation to a grand jury. Such instances are also considered Active Grand Juries.

The Dollar Volume of U.S. Commerce Affected is estimated by the Antitrust Division based upon the best available information from investigative and public sources. It serves as a proxy for the potential effect of anticompetitive behavior. Suspect conspiracies are more extensive, sometimes far more extensive, than are formally charged in an indictment, hence we believe that the Dollar Volume of U.S. Commerce Affected is an underestimate of the actual value. In estimating the Dollar Volume of Commerce Affected in a criminal investigation, staffs include the sales of all products affected by the conspiracy.

Civil Performance Measures:

When a merger filing initially is received through the HSR process, or the Antitrust Division identifies a potentially anticompetitive Non-HSR merger, we develop information from the filing, the parties or complete third party publications, and other public sources. Once we develop sufficient factual information, we file a Preliminary Inquiry (PI) with the Public Information Subunit. Once authorized, we attempt to make a determination about whether to proceed with a Second Request for Civil Investigative Data and (CID), close the PI, A PI may take from a few weeks to several months to complete. This a PI is often more than a quick assessment, which is usually done when the matter is initially reviewed or identified, and necessarily precedes a Second Request or CID investigation. It is a critical step in the investigatory process and the Number of PIs Opened is indicative of the Division's baseline workload.

Number of Active Investigations is indicative of Division's baseline civil non-merger workload. Staff identifies and investigates alleged violations of Section 1 and 2 of the Sherman Act and Section 3 of the Clayton Act. Many times, civil non-merger investigations take more than a year to develop sufficient evidence to file a case or close the investigation. Because staff may be working on an investigation for more than a year, this indicator accounts for the number of investigators with hours actually reported during the fiscal year, as opposed to the number of open investigations during the fiscal year.

The Dollar Volume of U.S. Commerce Affected in Relevant Markets for All Merger Wins and all Non-Merger Pleas/Cases Favorably Resolved are estimated by the Antitrust Division based upon investigative information and credible public sources. The volume of commerce serves as a proxy for the potential effect of possibly anticompetitive behavior. This indicator has been revised to reflect only those HSR and Non-HSR merger cases in which the Division's efforts led to a reduction in anticompetitive behavior. This indicator includes the Dollar Volume of U.S. Commerce Affected in instances where we have counted an HSR, Non-HSR and bank merger wins. While we have used existing data sources in the Division to compile the Dollar Volume of U.S. Commerce Affected in Relevant Markets for All Merger Wins, we acknowledge some limitations in our data that result in the cumulative underestimate of the value presented here. In the HSR merger and bank merger areas, we are required to review a significant number of applications, many of which are determined to pose no competitive issues. No Preliminary Inquiry is opened in these cases, but Division resources are still employed to ensure that the transactions being proposed will do no harm to the competitive environment.

In estimating the Dollar Volume of U.S. Commerce Affected in a civil non-merger case, staffs estimate an aggregate volume of commerce for each relevant domestic market affected by the anticompetitive practice or agreement. Obviously, many anticompetitive practices or agreements are more extensive, sometimes far more extensive, than are formally charged, hence we believe that the Dollar Volume of U.S. Commerce Affected is an underestimate of the actual value.

Outcome:

It is difficult to fully or precisely capture in a single number, or even a variety of numbers, the ultimate outcome of our Enforcement Strategy. It is not always clear just how far-reaching the effects of a particular conspiracy are; it is not always possible to determine the magnitude of the price increase that relates directly to a particular conspiracy. We cannot consistently translate into numbers the competitive impact of a given conspiracy; nor can we gauge the deterrent effects of our enforcement efforts, though we and those who have written on the subject believe that such effects exist and are strong. Nonetheless, we believe that an end outcome, if not the ultimate outcome, of our work in this area is the Savings to U.S. Consumers that arise from our successful elimination and deterrence of criminal conspiracies, the protection of competition in the U.S. economy, and our deterrence of anticompetitive behavior.

Criminal: There are two components to our estimate of consumer savings: the price effect of the conspiracy and the annual volume of commerce affected by the conspiracy. Volume of commerce is estimated based on the best available information from investigative and public sources. This results in an underestimate of consumer savings, as the vast majority of conspiracies exist for well over a year. We are more limited in our ability to estimate price effect, and thus in most cases rely on the 10 percent figure in the U.S. Sentencing Guidelines Manual (November 1, 1987; Section 2R1.1; Application Note 3; page 227) as the "average gain from price-fixing" (used in determining fines for convicted organizations) for our estimate in price fixing, bid rigging, and other criminal antitrust conspiracies. Although there are significant limitations to this estimate (as with any estimate), we believe it goes a long way toward describing the outcome of our work and ties directly to our vision of an environment in which U.S. consumers receive goods and services of the highest quality at the lowest price and sound economics-based antitrust enforcement principles are applied.

Civil: Our estimates of consumer savings derive initially from our best measurement of volume of commerce in the relevant markets with which we were concerned. For the majority of merger matters, we calculated consumer savings by also using a formula that makes a realistic assumption about the oligopolistic interaction among rival firms and incorporates estimates of pre-merger market shares and of market demand elasticity. In a few merger wins, primarily vertical mergers and those in which the anticompetitive effects included predicted reductions in innovation or other special considerations, it would not have been appropriate to apply that formula. For those wins, we developed conservative estimates of consumer benefits drawing on the details learned in the investigation. We note that the volume of commerce component of the calculation is estimated based on the best available information from investigative and public sources, and it is annualized and confined to U.S. commerce. Given the roughness of our methodology, we believe our consumer savings figure to be a conservative estimate in that it attempts to measure direct consumer benefits. That is, we have not attempted to value the deterrent effects (where our challenge to or expression of concern about a specific proposed or actual transaction prevents future, similarly-objectable transactions in other markets and industries) as well as our successful enforcement efforts. While these effects in most matters are very large, we are unable to approach measuring them. Although there clearly are significant limitations to this estimate (as with any estimate), we believe it goes a long way toward describing the outcome of our work and ties directly to our vision of an environment in which U.S. consumers receive goods and services of the highest quality at the lowest price and sound economics-based antitrust enforcement principles are applied. The end outcome of our work in the Civil Non-Merger Enforcement Strategy is the Savings to U.S. Consumers that arise from our successful elimination and deterrence of anticompetitive behavior. There are two components to our estimate of consumer savings: the volume of commerce affected by the anticompetitive behavior and the price effect of the behavior. Volume of commerce is estimated based on the best available information from investigative and public sources, and it is annualized and confined to U.S. commerce. We are more limited in our ability to estimate price effect, and thus rely on a conservative one percent figure for our estimate. We believe our consumer savings figure to be a very conservative estimate.

The Success Rate for Criminal Matters provides an overall view of the Division's record, looking at situations where the Division determines there to be anticompetitive issues and noting our "success rate" in the outcomes for those situations. The Success Rate for Criminal Matters was calculated using the following formula: the denominator includes the sum total of the following: (1) all cases filed in the given fiscal year in which there was either a guilty plea, conviction at trial, acquittal at trial, directed verdict, dismissal of charges or other final disposition of the matter in the same fiscal year, plus (2) all cases filed in prior years in which there was either a guilty plea, conviction at trial, acquittal at trial, directed verdict, dismissal of charges or other final disposition of the matter in the given fiscal year. The numerator includes only those cases from the denominator that resulted in guilty pleas or convictions at trial, acquittal at trial, directed verdict, dismissal of charges, or the dismissal of charges. Cases are defined here as every individual or corporation charged by either information or indictment. Note that these statistics do not include cases that are pending, such as pending indictments of foreign nationals who remain fugitives in our international cartel prosecutions. This measure is part of a consolidated DOJ litigating component data element and actual performance is reported as a consolidated measure in the Annual Performance Report/Annual Performance Plan.

The Success Rate for Civil Matters includes:

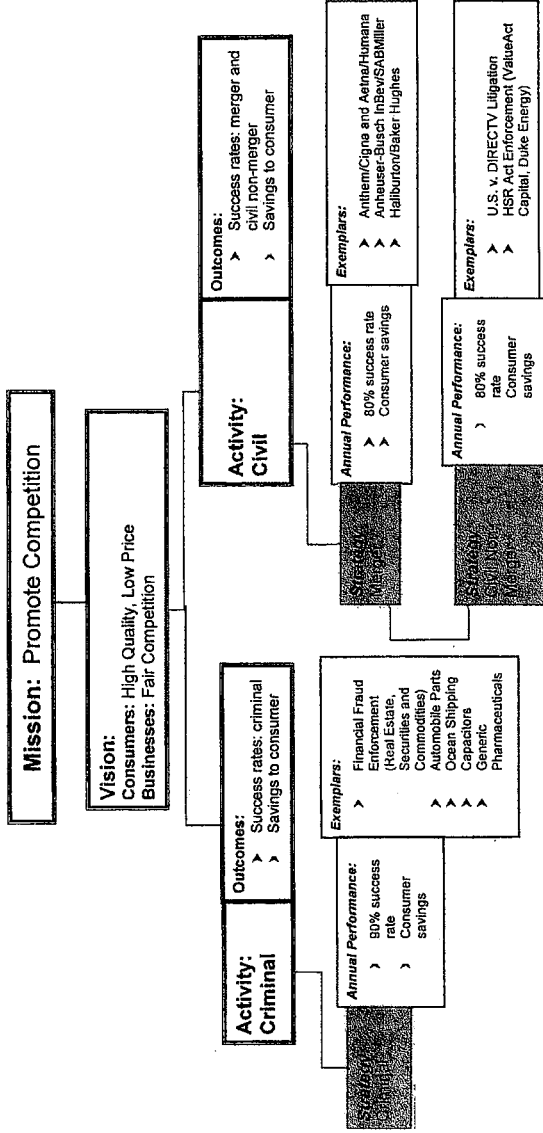
Number of Merger "Successes": Challenges provides an overall view of the Division's record, looking at situations where the Division determines there to be anticompetitive issues and noting our "success rate" in the outcomes for those situations. A success in this context may be any one of the positive outcomes that includes the Number of Mergers Abandoned Due to Division Actions Before Compulsory Process Initiated, Number of Mergers Abandoned Due to Division Actions After Compulsory Process Initiated Without Case Filed, Number of Mergers "Fixed First" without Case Filed, Number of Mergers Cases Filed with Consent Decree, Number of Merger Cases Filed but Resolved Prior to Conclusion of Trial, and Number of Merger Cases Litigated Successfully to Judgment with No Pending Appeals. This measure is part of a consolidated DOJ litigating component data element and actual performance is reported as a consolidated measure in the Annual Performance Report/Annual Performance Plan.

Matters Challenged Where the Division Expressed Concern include those in which: a complaint has been filed; the subject or target of an investigation has been informed that the Assistant Attorney General (AAG) has authorized the filing of a complaint; the subject or target of an investigation has been informed that the staff is recommending that a complaint be filed; and the subject or target changes its practices in a way that causes the matter to be closed before the AAG makes a decision whether to file a complaint, or the subject or target of an investigation has been informed that the staff has serious concerns about the practice, and the subject or target changes its practices in a way that causes the matter to be closed before the staff makes a recommendation to file a complaint. This measure is part of a consolidated DOJ litigating component data element and actual performance is reported as a consolidated measure in the Annual Performance Report/Annual Performance Plan.

Performance Measure Report - Historical Data															
Decision Unit: Antitrust															
Performance Report and Performance Plan Targets															
		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Measure: Criminal	Number of Active Grand Juries	87	75	78	88	75	75	75	75	75	75	75	75	75	75
Performance Measure: Criminal	Dollar Volume of U.S. Commerce Affected in Relevant Markets Where Pleas/Cases Favorably Resolved (\$ in millions)	\$4,466	\$2,296	\$2,931	\$178,004	\$2,931	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected
Performance Measure: Civil Merger	Number of Preliminary Inquiries Opened	74	64	80	67	80	70	70	70	70	70	70	70	70	70
Performance Measure: Civil Non-Merger	Number of Active Investigations	46	38	34	37	34	70	70	70	70	70	70	70	70	70
Performance Measure: Civil (Merger and Non-Merger)	Dollar Volume of U.S. Commerce Affected in Relevant Markets for all Merger Wins and All Non-Merger Pleas/Cases Favorably Resolved (\$ in millions)	\$437,410	\$46,457	\$239,122	\$216,998	\$239,122	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected
Outcome Measure: Consumer Savings - Criminal	Criminal - Total Dollar Value of Savings to U.S. Consumers (\$ in millions)	\$447	\$230	\$293	\$107	\$293	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected
Outcome Measure: Consumer Savings - Civil	Civil (Merger and Non-Merger) - Total Dollar Value of Savings to U.S. Consumers (\$ in millions)	\$6,966	\$909	\$3,378	\$3,387	\$3,378	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected	Not Projected
Outcome Measure: Success Rate - Criminal	Criminal - Percentage of cases favorably resolved	93%	100%	92%	98%	92%	90%	90%	90%	90%	90%	90%	90%	90%	90%
Outcome Measure: Success Rate - Civil (Merger and Non-Merger)	Civil - Percentage of cases favorably resolved	100%	90%	100%	100%	100%	80%	80%	80%	80%	80%	80%	80%	80%	80%

3. Performance Measurement Framework

Antitrust Division, Department of Justice
Performance Measurement Framework
 FY 2018



4. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

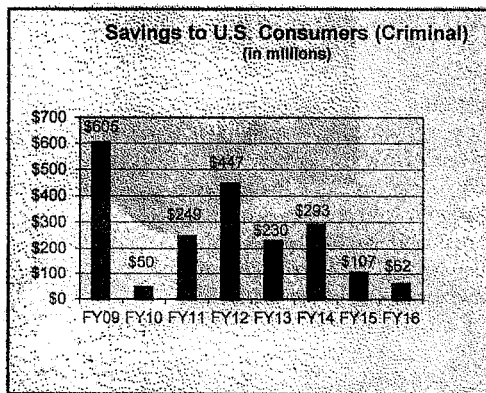
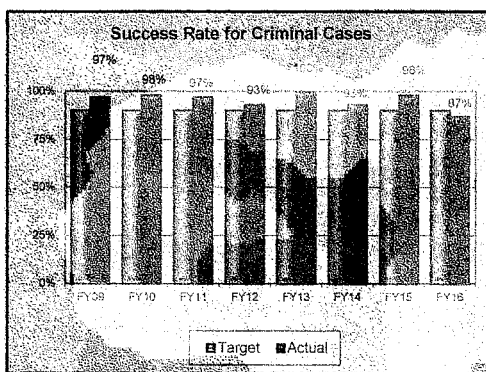
Prosecute International Price Fixing Cartels

The charts below illustrate the Criminal Outcome Performance Measures for the Antitrust Decision Unit, to include: Success Rate for Antitrust Criminal Cases and Savings to U.S. Consumers (as a result of the Antitrust Division's criminal enforcement efforts). It is the Division's goal to achieve a successful outcome in every case it tries. The Antitrust Division has been aggressive in its pursuit of criminal anticompetitive behavior.

In the criminal enforcement area, the Division continues to provide economic benefits to U.S. consumers and businesses in the form of lower prices and enhanced product selection by dismantling international private cartels and restricting other criminal anticompetitive activity.

In FY 2016, the Division successfully resolved 87 percent of criminal matters. This measure is a consolidated measure shared with all other litigating components within the Department. As a whole, the Department exceeded its target by successfully resolving 93 percent of its cases. The Division expects to meet or exceed its goals for FY 2017 and FY 2018.

The estimated value of consumer savings generated by the Division's criminal efforts is contingent upon the size and scope of the matters resolved each year and thus varies significantly.

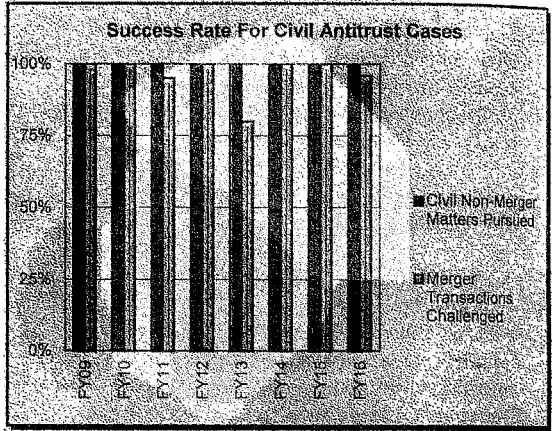


Civil Enforcement

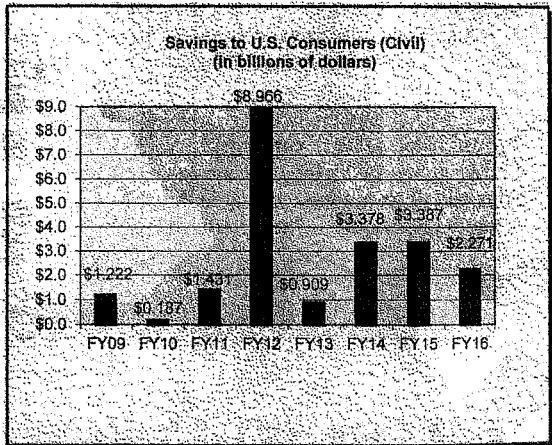
The charts below illustrate the Civil Outcome Performance Measures for the Antitrust Decision Unit, to include: Success Rate for Civil Antitrust Cases and Savings to U.S. Consumers (as a result of the Antitrust Division’s Civil enforcement efforts).

The success rate for civil non-merger matters includes investigations in which business practices were changed after the investigation was initiated, a case was filed with consent decree, or a case was filed and litigated successfully. The Division’s success in preventing anticompetitive behavior in the civil non-merger area has been notable.

The success rate for merger transactions challenged includes mergers that are abandoned, fixed before a complaint is filed, filed as cases with consent decrees, filed as cases but settled prior to litigation, or filed and litigated successfully. Many times, merger matters involve complex anticompetitive behavior and large, multinational corporations and require significant resources to review. The Division’s Civil Merger Program successfully resolved 96 percent of the matters it challenged in FY 2016 and expects to meet or exceed its goals for FY 2017 and FY 2018.



The estimated value of consumer savings generated by the Division’s civil enforcement efforts in any given year depends upon the size and scope of the matters proposed and resolved and thus varies considerably. Targeted levels of performance are not projected for this indicator.





b. Strategies to Accomplish Outcomes

Prosecute International Price Fixing Cartels

Utilizing geographically dispersed regional offices and two sections in Washington, DC, the Antitrust Division deters private cartel behavior by investigating and challenging violations of Section 1 of the Sherman Act, including such *per se* (in and of themselves, clearly illegal) violations as price fixing, bid rigging, and horizontal customer and territorial allocations. Wide ranges of investigatory techniques are used to detect collusion and bid rigging, including joint investigations with the FBI and grand jury investigations. When businesses are found actively to be engaged in bid rigging, price fixing, and other market allocation schemes that negatively affect U.S. consumers and businesses (no matter where the illegal activity may be taking place), the Division pursues criminal investigations and prosecutions.

The global reach of modern cartels and their significant effects on U.S. consumers highlights the critical importance of international advocacy and coordination efforts. Increased cooperation and assistance from foreign governments continues to enhance the Division's ability to detect and prosecute international cartel activity. In addition, the Division's Individual and Corporate Leniency Programs, revised in recent years for greater effectiveness, have proven critical in uncovering criminal antitrust violations. Greater time and resources are devoted to investigation-related travel and translation, given the increasingly international operating environment of the criminal conspiracies being encountered. In all instances, if the Division ultimately detects market collusion and successfully prosecutes, the Division may obtain criminal fines and injunctive relief.

Civil Enforcement

The Division's Civil strategy is comprised of two key activities - Merger Review and Civil Non-Merger work. Six Washington, DC sections, and offices in Chicago, New York, and San Francisco, participate in the Division's civil work. This activity



serves to maintain the competitive structure of the national economy through investigation and litigation of instances in which monopoly power is sought, attained, or maintained through anticompetitive conduct and by seeking injunctive relief against mergers and acquisitions that may tend substantially to lessen competition.

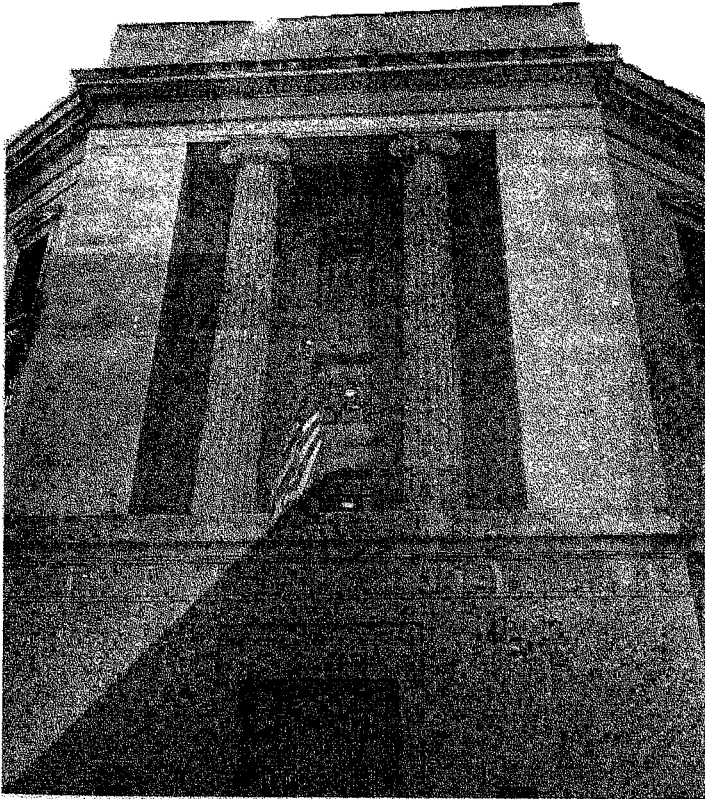
Section 7 of the Clayton Act, as amended by the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (HSR), requires certain enterprises that plan to merge or to enter into acquisition transactions to notify the Antitrust Division and the Federal Trade Commission (FTC) of their intention and to submit certain information. These HSR premerger notifications provide advance notice of potentially anticompetitive transactions and allow the Division to identify and block such transactions before they are consummated. HSR premerger reviews are conducted under statutorily mandated time frames. This workload is not discretionary; it results from the number of premerger filings we receive.

The number of merger transactions reviewed includes all HSR filings the Division receives and, also, reviews of proposed or consummated mergers that are below HSR filing thresholds but which present possible anti-competitive issues. HSR and non-HSR transactions may be investigated and prosecuted under Section 7 of the Clayton Act, or under Sections 1 and 2 of the Sherman Act. Referrals for non-HSR matters come from both outside the Division, via competitors or consumers, and from within the Division, based on staff knowledge of industries and information about current events.

Bank merger applications, brought to the Division's attention statutorily via the Bank Merger Act, the Bank Holding Company Act, the Home Owners Loan Act, and the Bridge Bank Section of the Federal Deposit Insurance Act, are reviewed through a somewhat different process.

The majority of the Division's Civil Non-Merger work is performed by four litigating sections in Washington, DC, although other sections and offices provide support as necessary. Our Civil Non-Merger activities pick up, to some degree, where the Antitrust Division's Criminal strategy leaves off, pursuing matters under Section 1 of the Sherman Act in instances in which the allegedly illegal behavior falls outside bid rigging, price fixing, and market allocation schemes, the areas traditionally covered by criminal prosecutory processes. Other behavior, such as group boycotts or exclusive dealing arrangements, that constitutes a "...contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce..." is also illegal under Section 1 of the Sherman Act. It is typically prosecuted through the Division's Civil Non-Merger Enforcement Strategy.

A distinction between the Criminal and Civil Non-Merger activities is that conduct prosecuted through the Criminal strategy is considered a *per se* violation of the law, whereas conduct reviewed under the Civil Non-Merger activity may constitute a *per se* violation of the law or may be brought using a rule-of-reason analysis. *Per se* violations are violations considered so clearly anticompetitive that the Division must prove only that they occurred. Violations brought under a rule-of-reason analysis, on the other hand, are those that may or may not, depending on the factual situation, be illegal. In these instances, the Division must not only prove that the violation occurred, but must also demonstrate that the violation resulted in anticompetitive effects. In addition to pursuing matters under Section 1 of the Sherman Act, the Division's Civil Non-Merger component also prosecutes violations of Section 2 of the Sherman Act, which prohibits monopolization and attempted monopolization, and Section 3 of the Clayton Act, which prohibits tying. Tying is an agreement by a party to sell one product on the condition that the buyer also purchase a different or *tyed* product, or at least agree that he will not purchase that *tyed* product from any other supplier. Whether addressing matters under Sections 1 or 2 of the Sherman Act or Section 3 of the Clayton Act, our Civil Non-Merger enforcement activities rely upon civil compulsory process to investigate the alleged violation.



5. Exemplars - Criminal

A. Financial Fraud Enforcement

Introduction and Background

The Sherman Antitrust Act authorizes the Antitrust Division to bring criminal prosecutions against those who conspire with competitors to fix prices, rig bids, or allocate customers, territories, markets, or sales or production volumes. Enforcing the Sherman Act is a critical component of the Department's overall battle against financial fraud. Of the 51 criminal cases the Antitrust Division filed in FY 2016, many involved serious financial fraud, accounting for a significant portion of the \$458 million total criminal fines imposed. Altogether, 19 corporations and 51 individuals were charged and the courts imposed 22 prison sentences totaling 7,249 days of incarceration. The Division brought these cases in investigations of important industries, including real estate, auto parts, financial services, deep-sea ocean shipping of roll-on, roll-off cargo, capacitors, and generic pharmaceuticals, to name just a few.



Mortgage and Foreclosure Fraud

In calendar year 2011, the Antitrust Division began investigating patterns of collusion among real estate speculators. Instead of competitively bidding at public auctions held on the steps of courthouses and municipal buildings around the country, groups of speculators have conspired to keep auction prices artificially low. These schemes include speculators paying each other off to refrain from bidding, or holding unofficial "knockoff" auctions among themselves. While the country continues to face unprecedented home-foreclosure rates, this collusion is aimed at eliminating competition at foreclosure auctions. This artificially drives down foreclosed home prices, enriching the colluding speculators at the expense of homeowners, municipalities and lending institutions. These collusive schemes have a far-reaching negative impact, because they affect home prices in neighborhoods where the foreclosed properties are located. Similar collusive conduct has also been detected among bidders at auctions for public tax liens.



To combat this anticompetitive epidemic, the Antitrust Division, in conjunction with the FBI, developed a Real Estate Foreclosure Initiative. The initiative includes outreach and training efforts designed to raise awareness within the investigative community and the public about bid rigging and fraud at real estate-foreclosure and tax-lien auctions. The initiative includes information sharing and coordinated enforcement efforts with our law-enforcement partners to facilitate identifying, investigating, and prosecuting bid-rigging and collusive conduct at public auctions.

To date, as a result of the Division's efforts, 127 individuals and three companies have been charged in connection with real estate-foreclosure and tax-liens conspiracies across the United States that suppress and restrain competition to the detriment of communities and already-financially distressed homeowners. Of the three companies charged, all have pleaded guilty. Of the individuals, 106 have pleaded guilty, seven have been convicted after trial, two were acquitted, and the remaining individuals are under indictment. The Division has four upcoming trials against those remaining defendants.

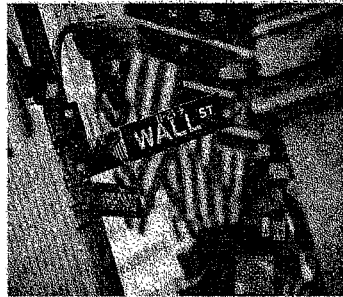
Securities and Commodities Fraud

The Antitrust Division is integral to the Department's ongoing efforts to combat securities, commodities, and investment frauds. These so-called "Wall Street" frauds have plagued the nation's markets, businesses and consumers, and continue to act as a drag on the nation's ability to sustain a full economic recovery.

Of particular note are prosecutions involving manipulation of benchmark interest rates, which undermined financial markets worldwide and directly affected the rates referenced by financial products held by and on behalf of companies and investors around the world.

LIBOR (London Interbank Offered Rate)

One of these benchmark interest rates, LIBOR, serves as the primary benchmark for short-term interest rates globally and is used as a reference for many interest-rate contracts, mortgages, credit cards, student loans and other consumer lending products. Pursued jointly with the Criminal Division, the Antitrust Division's investigation of LIBOR manipulation has resulted in deferred prosecution agreements with four banks (the Royal Bank of Scotland, Rabobank, Lloyds Banking Group and Deutsche Bank AG), charges filed against RBS Securities Japan and DB Group Services (UK) Limited, indictments or information filed against eleven former traders, eight of whom have either been convicted or pleaded guilty, and criminal complaints filed against three former brokers and two former traders, all for their roles in manipulating LIBOR and related benchmark interest rates.



The Division has obtained **over \$1.3 billion** in criminal fines and penalties in this ongoing investigation.

The broader investigation relating to LIBOR and other benchmark rates has benefited from a wide-ranging cooperative effort among various enforcement agencies both in the United States and abroad. The FBI, SEC, the Commodity Futures Trading Commission, the U.K. Financial Conduct Authority and Serious Fraud Office, the Japanese Ministry of Justice, the Japan Financial Services Agency, the Swiss Financial Market Supervisory Authority, the Dutch Public Prosecution Service, and the Dutch Central Bank have played a major role in the LIBOR investigation. The total of global criminal and regulatory fines, penalties and disgorgement obtained by authorities is over \$8 billion.

Foreign Exchange Rates

As a result of the Division's investigation of collusion in the foreign-currency exchange spot market, four major banks and two foreign currency exchange traders have pleaded guilty to felony antitrust charges, and three traders have been indicted.



Altogether, the banks—Citicorp, JPMorgan Chase & Co., Barclays PLC, and The Royal Bank of Scotland plc—paid criminal fines totaling more than \$2.5 billion. A fifth bank, UBS AG, pleaded guilty to manipulating the LIBOR and other benchmark interest rates and paid a \$203 million as a criminal penalty for breaching its December 2012 non-prosecution agreement in the LIBOR investigation. Working together with the Criminal Division and other regulators and

enforcers in the United States and abroad, the Antitrust Division investigated and prosecuted a conspiracy affecting currencies at the heart of international commerce and undermining the integrity and competitiveness of foreign currency exchange markets that account for hundreds of billions of dollars worth of transactions every day. The five parent-level pleas were a testament to the Department's commitment to vigorously prosecute all those who manipulate the economic system to their own advantage at the expense of the public and investors.

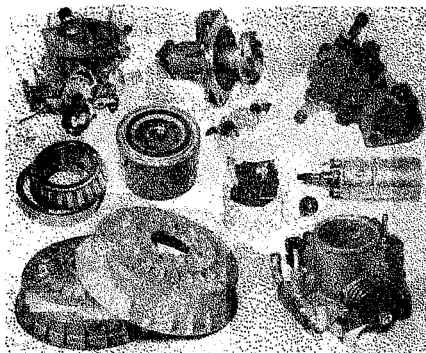
In addition to the criminal penalties levied against the banks, civil enforcement authorities also imposed substantial penalties. The Office of the Comptroller of the Currency fined Bank of America, Citigroup, and JP Morgan Chase a total of **\$950 million** in November 2014. The Commodity Futures Trading Commission and the United Kingdom's Financial Conduct Authority imposed penalties totaling over **\$1.4 billion** and **\$1.7 billion**, respectively, on five banks. These included Citibank, HSBC, JPMorgan Chase, Royal Bank of Scotland and UBS. The Division continues to play a leading role in investigating the global manipulation of foreign exchange rates.

Over the past year, the Division's investigation into manipulation of the foreign exchange market resulted in charges against five individuals. Two foreign currency exchange traders pleaded guilty for participating in a price-fixing conspiracy of Central and Eastern European, Middle Eastern, and African (CEEMA) currencies, and three former traders were indicted on charges of conspiring to manipulate the price of the U.S. dollar and euro exchanged in the foreign exchange spot market.

B. Automobile Parts Investigation

Introduction

The Antitrust Division continues to prosecute the illegal business practices of major automobile parts suppliers in an investigation spanning three continents and involving the Federal Bureau of Investigation, the European Union, Canada's Competition Bureau, the Japanese Fair Trade Commission, and the Korean Fair Trade Commission. The investigation quickly went beyond its initial focus on conspiracies involving sales of wire harnesses used in auto bodies and related products, and has continued to steadily expand as the Division investigates and prosecutes conspiracies involving other parts and additional suppliers. The collusion in the auto parts industry affected American automobile manufacturing companies and many foreign producers.



The automobile parts investigation is the **largest criminal investigation the Antitrust Division has ever pursued**, both in terms of its scope and the potential volume of commerce affected by the alleged illegal conduct. The

ongoing cartel investigation of price-fixing and bid-rigging in the automobile parts industry has yielded **charges against 48 companies and 65 individuals and over \$2.9 billion in criminal fines** in the investigation thus far. Thirty-two individuals have pleaded guilty or agreed to plead guilty and serve prison terms, including 31 foreign nationals – two of whom agreed to serve two years in prison.

Background and Investigation

The Division's investigation initially examined only "wire harnesses"—the distribution system of cables and connectors that carry electronic information throughout an automobile. Since then, the investigation expanded to include alternators, starters, air flow meters, valve timing control devices, fuel injection components, ignition coils, electronic throttle bodies, motor generators, instrument panel clusters, electronic control units, heater control panels, various sensors, seatbelts, airbags, hoses, steering wheels, and more component parts of automobiles.

The Antitrust Division continues to investigate whether the auto parts companies that provide component parts to vehicle manufacturers such as Chrysler, Ford, General Motors, Honda and Toyota, participated in illegal anti-competitive cartel conduct, with some suspected activity dating as far back as 2000. Specific charges to date include conspiring to allocate markets, fix prices, and rig bids.

Many conspirators that have pleaded guilty carried out their conspiracies by agreeing during meetings and conversations to allocate the supply of an automobile product on a model-by-model basis and to coordinate price adjustments requested by automobile manufacturers in the United States and elsewhere. They sold the auto parts to manufacturers at non-competitive, rigged and fixed prices, and monitored the prices to make sure those involved in the conspiracies adhered to the agreed upon bid-rigging and price-fixing schemes.

Results

Corporate fines in excess of \$50 million and the associated jail sentences for corporate executives in the auto parts investigation since the beginning of FY 2011 include:

Yazaki Corporation	<ul style="list-style-type: none"> • \$470 million—the second largest criminal fine ever for an antitrust violation • Wire harnesses and related products, instrument panel clusters, fuel senders • 6 executives ranging from 14 months to 2 years
Bridgestone Corporation	<ul style="list-style-type: none"> • \$425 million • Anti-vibration rubber parts • 1 executive, 18 months
Furukawa Electric Company Ltd.	<ul style="list-style-type: none"> • \$200 million • Wire harnesses and related products • 3 executives ranging from one year and one day to 18 months
Hitachi Automotive Systems, Ltd.	<ul style="list-style-type: none"> • \$195 million (starter motors, alternators, and other products) • \$55.48 million (shock absorbers) • 1 executive, 15 months
Mitsubishi Electric Corporation	<ul style="list-style-type: none"> • \$190 million • Starter motors, alternators, ignition coils
Mitsuba Corporation	<ul style="list-style-type: none"> • \$135 million • Windshield wiper systems and other products • 1 executive, 13 months
Nishikawa Rubber Co. Ltd	<ul style="list-style-type: none"> • \$130 million • Automotive body sealing products

Toyo Tire & Rubber Co., Ltd.	<ul style="list-style-type: none"> • \$120 million • Anti-vibration rubber and constant-velocity-joint boots • 1 executive, one year and one day
Jtekt Corporation	<ul style="list-style-type: none"> • \$103 million • Bearings, steering assemblies
DENSO Corporation	<ul style="list-style-type: none"> • \$78 million • Electronic control units and heater control panels • 6 executives ranging from one year and one day to 16 months
Takata Corporation	<ul style="list-style-type: none"> • \$71.3 million • Seatbelts • 4 executives ranging from 14 months to 19 months
NSK Ltd.	<ul style="list-style-type: none"> • \$68.2 million • Bearings
Coming International K.K.	<ul style="list-style-type: none"> • \$66.5 million • Ceramic substrates
Kayaba Industry Co., Ltd. d/b/a KYB Corporation	<ul style="list-style-type: none"> • \$62 million • Shock absorbers
Robert Bosch GmbH	<ul style="list-style-type: none"> • \$57.8 million • Spark plugs, standard oxygen sensors, and starter motors
Koito Manufacturing Co., Ltd.	<ul style="list-style-type: none"> • \$56.6 million • Automotive lighting fixtures and high intensity discharge ballasts
NGK Spark Plug Co., Ltd.	<ul style="list-style-type: none"> • \$52 million • Spark plugs, oxygen and air fuel ratio sensors

Conclusion

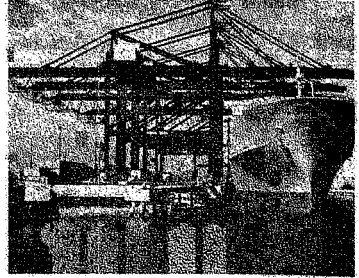
The illegal activity of these and other conspirators had a significant impact on automotive manufacturers in the United States. Some of the conspiracies went on for at least a decade. The conduct also potentially affected commerce on a global scale in other markets where automobiles are manufactured and/or sold.

Criminal antitrust enforcement remains a top priority of the Antitrust Division. The automobile parts investigation is continuing, and the Division anticipates additional fines and prison sentences, as well as two trials in the upcoming year. The importance of rooting out this type of illegal criminal conduct cannot be overstated. It negatively impacts the United States economy and results in higher prices for consumers and businesses.

C. Ocean Shipping Investigation

Background and Investigation

The Antitrust Division has continued a wide-ranging and successful investigation of collusion in the deep-sea freight transportation industry. This conspiracy involved sales of international shipping services for roll-on, roll-off cargo—non-containerized cargo that can be rolled onto and off of an ocean-going vessel. Examples include new and used cars and trucks, and construction and agricultural equipment. The conspiring companies agreed on prices, allocated customers, and agreed to refrain from bidding against one another, and to exchange customer pricing information. The conspirators then charged fees in accordance with their agreements for international ocean-shipping services for certain roll-on, roll-off cargo to and from the United States and elsewhere at collusive and non-competitive prices.



Results

Prosecutions to date have held four shipping companies responsible for their participation in the conspiracy. Their criminal sentences after guilty pleas collectively amounted to over \$230 million. Eight executives have been charged for their participation in the conspiracy; four have pleaded guilty and were sentenced to terms of imprisonment ranging from 14 to 18 months, and four have been indicted. The Antitrust Division conducted this investigation with the FBI's Baltimore Field Office, along with assistance from the U.S. Customs and Border Protection Office of Internal Affairs, Washington Field Office/Special Investigations Unit.

D. Capacitors

Background and Investigation

The Antitrust Division investigated a conspiracy to suppress and eliminate competition for electrolytic capacitors sold to customers in the U.S. and elsewhere by fixing prices and rigging bids. Electrolytic capacitors, which store and regulate electrical current, are used in a variety of electronic products, including computers, televisions, car engine and airbag systems, home appliances, and office equipment.

Results

To date, six companies and ten individuals have been charged in the ongoing investigation. Six companies have agreed to plead guilty and pay fines totaling over \$38 million. An executive agreed to plead guilty and serve a prison term of a year and a day. The investigation is being conducted by the Antitrust Division's San Francisco Office and the FBI's San Francisco Field Office.

E. Generic Pharmaceuticals

Background and Investigation

The Antitrust Division investigated price fixing, bid rigging, and market allocation in the generic pharmaceutical industry. The investigation has uncovered collusion that affected sales of two important generic drugs: an antibiotic called doxycycline hyclate and glyburide, a medicine used to treat diabetes. The investigation is ongoing.



Results

The Division charged the former CEO and the former president of a generic drug company, alleging that the two former executives conspired to fix prices, rig bids, and allocate customers for an antibiotic (doxycycline hyclate delayed-release). The Division also alleged that the former executives conspired to fix prices and allocate customers for a medicine used to treat diabetes (glyburide). Those individuals have both pleaded guilty in January 2017 and are awaiting sentencing. The investigation is being conducted by the Antitrust Division's Washington Criminal I Section with the assistance of the FBI's Philadelphia Division, the FBI headquarters' International Corruption Unit, the United States Postal Service Office of Inspector General and the U.S. Attorney's Office for the Eastern District of Pennsylvania.

6. Exemplars – Civil

A. Merger

Anthem/Cigna and Aetna/Humana

In 2015, two of the largest health insurance mergers in history were announced. Anthem and Cigna agreed to merge, as did Aetna and Humana, in deals that would significantly consolidate one of the most important industries for consumers in the United States. After thorough investigations of both transactions, the Division announced lawsuits to block each merger in the summer of 2016. In an unprecedented undertaking, the Division litigated and tried both major merger challenges at the same time, in separate proceedings before different judges.

Anthem sought to acquire Cigna for \$54 billion in a deal that the Division determined would substantially lessen competition in the health insurance industry in dozens of markets across the country. The Division tried the case before Judge Amy Berman Jackson, presenting 28 fact witnesses, five experts, and deposition excerpts from more

than 100 individuals. Judge Jackson ruled in favor of the Division and blocked the proposed merger, finding it was likely to substantially lessen competition in the market for the sale of medical health insurance to national accounts in fourteen states and in the sale of medical insurance to large group employers in Richmond, Virginia. The matter is currently on appeal before the U.S. Court of Appeals for the District of Columbia Circuit.

Also in the summer of 2015, Aetna sought to acquire Humana in a deal valued at \$37 billion. As with Anthem and Cigna, the Division conducted a thorough investigation of the transaction. The Division ultimately concluded the Aetna/Humana deal would harm competition in two distinct product areas: Medicare Advantage (MA) sold to individual seniors in 364 counties across the United States, and commercial health insurance sold to individuals and families on the public exchanges created by the Affordable Care Act in 17 counties in Florida, Georgia, and Missouri.



The Division filed its lawsuit against Aetna and Humana on the same day that it sued to block Anthem/Cigna, but conducted a separate litigation and trial under the courts' orders. Judge John Bates set a highly accelerated five-month trial schedule, culminating in a 13-day bench trial in December 2016. The court heard testimony from 31 live witnesses, admitted over 1,200 trial exhibits, and received 350 pages of post-trial briefing. On February 8, 2017, Judge Jackson ruled in favor of the Division and blocked the proposed merger. Aetna and Humana abandoned their proposed transaction on February 14, 2017.

The Division's trial wins against these health insurance mergers preserve competition in markets critical to the health and well-being of American consumers.

Anheuser-Busch InBev/SABMiller

U.S. consumers spend over \$100 billion per year on beer. Anheuser-Busch InBev (ABI) is the largest beer brewer in the U.S., accounting for approximately 47 percent of beer sales across the U.S., and its brands include Budweiser, Bud Light, and Michelob, among others. MillerCoors, the joint venture between SABMiller and Molson Coors Brewing Company through which SABMiller operates in the United States, is the second largest beer brewer in the U.S., accounting for 25 percent of beer sales. Its more than 40 brands of beer include Coors Light and Miller Lite.

In November 2015, ABI agreed to acquire SABMiller in a proposed merger that would have eliminated the head-to-head competition between ABI and MillerCoors. The Division conducted an investigation that determined the merger would harm competition between the companies, and would likely lessen distribution options for the craft beer companies that compete with both of the merging brewers.

On July 20, 2016, the Division filed suit to block the merger. Simultaneously with its complaint, the Division filed a proposed settlement that will preserve competition between these two largest beer brewers in the United States. The settlement requires ABI to divest SABMiller's equity and ownership stake in MillerCoors, as well as other assets needed to protect MillerCoors' competitiveness, including perpetual, royalty-free licenses to certain products and ownership of international rights to the Miller brands of beer. The settlement will also preserve and promote competition in the U.S. beer industry by imposing restrictions on ABI's distribution practices and ownership of distributors, and requiring ABI to provide the Division with notice of future acquisitions, including acquisitions of beer distributors and craft brewers, prior to their consummation.



Halliburton/Baker Hughes

Oilfield services are integral in extracting oil and natural gas from below ground. The United States oil and gas industries rely on critical services such as drilling, well construction, fracking, and oilfield measurement and evaluation. Only three firms in the United States are capable of performing the full range of these services. Halliburton and Baker Hughes are two of those firms.

In November 2014, Halliburton and Baker Hughes announced their \$34.6B merger agreement. The Division conducted an extensive investigation that delved into the details of the numerous products and services on which the companies directly compete. Ultimately, the Division determined the transaction, if unchallenged, would have resulted in a duopoly in numerous markets. In 23 different product markets the merger would have eliminated head-to-head competition that has led to lower prices, better products and services, and innovation.

The Division sued to block the merger of Halliburton and Baker Hughes in April 2016 in the U.S. District Court for the District of Delaware. On May 1, Baker Hughes exercised its contractual right to terminate the merger, abandoning the transaction and preserving the benefits of competition between Halliburton and Baker Hughes.

B. Non-Merger:

The Division continues to vigorously police anticompetitive activity outside the merger context, initiating civil enforcement actions in numerous industries to protect consumers and the competitive process.

United States v. DIRECTV Litigation

Consumers have few competitive choices in video distribution markets, often only the cable company and two satellite providers in their local market. They rely on competition between those providers to determine the video packages that will be offered to them and the price of those services. In Los Angeles, many local providers declined to carry the Dodgers Channel, giving Dodgers fans no way to watch their team's games.

The Division conducted an extensive investigation of reported contacts between video distribution competitors in the Los Angeles area related to the Dodgers Channel. That investigation uncovered that DIRECTV had acted as the ringleader of a series of unlawful information exchanges, sharing competitively sensitive information with Cox, Charter, and AT&T during the companies' negotiations about Dodgers Channel carriage. The lead content executive at DIRECTV had been in regular contacts with key executives of his competitors, discussing forward-looking competitively sensitive information about their companies' plans to carry—or not carry—the Dodgers Channel.

On November 2, 2016, the Division filed a lawsuit in the United States District Court for the Central District of California to stop DIRECTV and its corporate successor AT&T from unlawfully sharing competitively sensitive information with rivals. The complaint alleged that the companies engaged in information exchanges in order to increase their bargaining leverage and reduce the risk that they would lose subscribers if they decided not to carry the channel but a competitor chose to do so. The complaint further alleged that the information exchanged was a material factor in the companies' decisions not to carry the Dodgers Channel.



On March 23, 2017, AT&T agreed to a proposed settlement now pending with the Court. The settlement obtains all of the relief sought by the Division in its lawsuit. It ensures that DIRECTV and AT&T do not illegally share competitively sensitive information with their rivals, requires the companies to monitor certain communications, and requires the implementation of antitrust training and compliance programs. The Division's successful investigation and prosecution of this conduct will prevent future anticompetitive information sharing in the cable television industry.

HSR Act Enforcement

The Division remains vigilant against violations of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. § 18a, the “HSR Act”), which ensures that the Division will have an opportunity to review potentially anticompetitive transactions before they are consummated. The Division enforced the HSR Act in two important cases in the past year.

ValueAct Capital

In the fall of 2014, Baker Hughes and Halliburton—two of the three largest providers of oilfield services—announced their merger. Shortly thereafter, ValueAct purchased over \$2.5 billion in stock of the companies without filing HSR notifications, making ValueAct among the largest shareholders of each company. ValueAct did not file notifications, claiming that its acquisitions were exempt from the HSR Act because they were “solely for the purpose of investment” and did not exceed 10 percent of the outstanding voting securities of either issuer. See 15 U.S.C. § 18a(c)(9) (the “investment-only exemption”). Under the HSR Rules, voting securities are acquired “solely for the purpose of investment” if the person acquiring such voting securities has no intention of participating in the formulation, determination, or direction of the basic business decisions of the issuer. 16 C.F.R. § 801.1(i)(1).

The Division’s investigation revealed that ValueAct did not qualify for the investment-only exemption because it intended to participate in the business decisions of both companies. Specifically, ValueAct intended to use its position as a major shareholder of both Halliburton and Baker Hughes to obtain access to management, to learn information about the companies and the merger in private conversations with senior executives, to influence those executives to improve the chances that the Halliburton-Baker Hughes merger would be completed, and ultimately to influence other business decisions regardless of whether the merger was consummated. Pursuant to a settlement filed July 12, 2016, ValueAct agreed to pay the largest ever HSR civil penalty of \$11 million to resolve the allegations.

Duke Energy

In August 2014, Duke Energy agreed to terms to purchase Osprey from Calpine, a competing seller of wholesale electricity nationally and in Florida. As part of the acquisition, and prior to expiration of the HSR waiting period, Duke entered into a “tolling agreement” whereby Duke immediately began exercising control over Osprey’s output, and immediately began reaping the day-to-day profits and losses from the plant’s business.

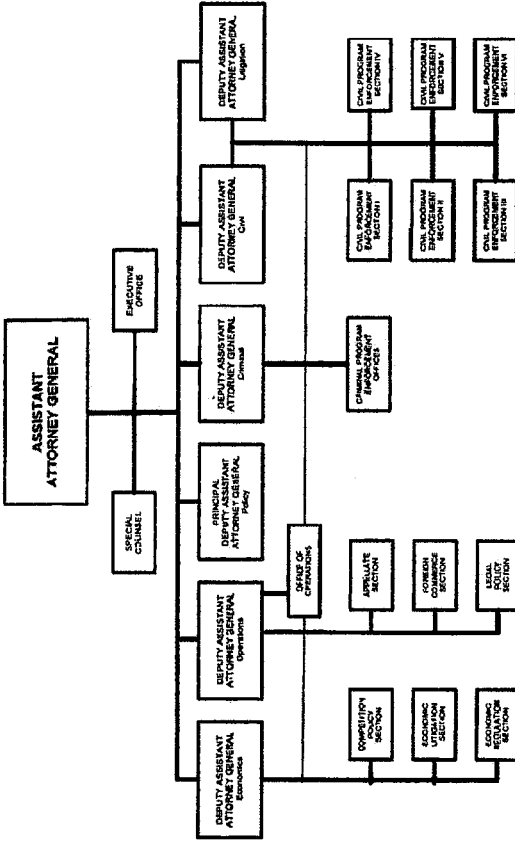


Duke, for example, assumed control of purchasing all the fuel for the plant, arranging for delivery of that fuel, and arranging for transmission of all energy generated. Duke retained the profit (or loss) from the difference between the price of the energy generated at Osprey and the cost to generate the energy, bearing all the risk of changes in the market price for fuel and the market price for energy. Based on these potential risks and rewards, Duke decided exactly how much energy would be generated by the plant on an hour-by-hour basis, and relayed those detailed instructions each day to plant personnel. Duke treated Osprey as it treated its own plants in making business decisions about output. Thus, Duke's tolling agreement with Calpine gave it significant operational control over the Osprey plant, and allowed Duke to assume the risks and potential benefits of changes in the value of Osprey's business.

The Division determined that the combination of Duke's agreement to purchase Osprey and the tolling agreement transferred beneficial ownership of Osprey's business to Duke before Duke had fulfilled its obligations under the HSR Act. Pursuant to a settlement filed simultaneously with the complaint, Duke agreed to pay a civil penalty of \$600,000 to resolve the case.

A. Organizational Chart

ANTITRUST DIVISION



Approved by  5/16/13
 ERIC A. HANOVER
 Attorney General

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

B. Summary of Requirements

	FY 2018 Request	
	Positions	Estimate FTE
2016 Enacted ^{1/}	[830]	689
Total 2016 Enacted	[830]	689
2017 Continuing Resolution	[830]	694
2017 Rescission - 0.1901%	0	0
Total 2017 Continuing Resolution	[830]	694
Base Adjustments		
Pay and Benefits	-[135]	1
Domestic Rent and Facilities	0	0
Other Adjustments	0	0
Total Base Adjustments	-[135]	1
Total Technical and Base Adjustments	-[135]	1
2018 Current Services	[695]	695
2018 Total Request	[695]	695
2017 - 2018 Total Change	-[135]	1
		Amount
		164,977
		164,977
		164,977
		-314
		164,663
		-121
		106
		15
		0
		0
		164,663
		164,663

^{1/} FY 2016 FTE is actual

B. Summary of Requirements

Summary of Requirements

Antitrust Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Technical and Base		FY 2018 Current Services	
	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount
Antitrust Division	[830]	164,977	[830]	164,663	[830]	164,663	[830]	164,663
Total Direct	[830]	164,977	[830]	164,663	[830]	164,663	[830]	164,663
Balance Rescission		0		0		0		0
Total Direct with Rescission		0		0		0		0
Reimbursable FTE		164,977		164,663		164,663		164,663
Total Direct and Reimb. FTE		164,977		164,663		164,663		164,663
Other FTE:								
LEAP		694		694		694		694
Overtime		0		0		0		0
Grand Total, FTE		694		694		694		694

Program Activity	2018 Increases		2018 Offsets		2018 Request	
	Positions	Amount	Positions	Amount	Positions	Amount
Antitrust Division	0	0	0	0	695	164,663
Total Direct	0	0	0	0	695	164,663
Balance Rescission	0	0	0	0	[695]	[164,663]
Total Direct with Rescission	0	0	0	0	0	0
Reimbursable FTE	0	0	0	0	0	164,663
Total Direct and Reimb. FTE	0	0	0	0	0	164,663
Other FTE						
LEAP		0		0		695
Overtime		0		0		0
Grand Total, FTE		0		0		695

Justifications for Technical and Base Adjustments
 Antitrust Division
 Salaries and Expenses
 (Dollars in Thousands)

	Positions	Estimate	Amount
	FTE		
Pay and Benefits			
1 2019 Pay Raise -1.9%	0	0	1,620
This request provides for a proposed 1.9 percent pay raise to be effective in January of 2019. The amount requested, \$1,620,000, represents the pay amounts for 374 of the fiscal year plus appropriate benefits (\$1,255,000 for pay and \$365,000 for benefits.)			
2 Annualization of 2017 Pay Raise -2.98%	0	0	676
This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.98% included in the 2017 Appropriation. The amount requested, \$676,000, represents the pay amounts for 14 months of the 2017 pay raise.			
3 Antitrust Investigations Program	-200	-200	-3,000
As directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.			
4 Health Insurance	0	0	495
Effective January 2018, the components' contribution to Federal employees' health insurance increases by 9.2 percent. Applied against the 2017 estimate of \$5,353,000, the additional amount required is \$495,000.			
5 Position Reducing Adjustment	-115	-115	0
As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.			
6 Retirement	0	0	148
Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$148,000 is necessary to meet our increased retirement obligations as a result of this conversion.			
		Subtotal, Pay and Benefits	-135
Domestic Rent and Facilities			
1 GSA Rent	0	0	45
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$45,000 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			
2 Guard Services	0	0	61
This includes Department of Homeland Security (DHS) Federal Protective Service charges. Justice Protective Service charges and other security services across the country. The requested increase of \$61,000 is required to meet these commitments.			
		Subtotal, Domestic Rent and Facilities	0
Other Adjustments			
1 Security Investigations	0	0	15
For FY 2016, the request includes an increase for security investigations totalling \$15,000.			
		Subtotal, Other Adjustments	0
		TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-135

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability

Antitrust Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover			Recoveries/Refunds			FY 2016 Availability		
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Amount	Refunds	Positions	Actual FTE	Amount	Amount	
Antitrust Division	[830]	694	164,977		0	0	0	13,892	425	[830]	694	179,294			
Total Direct	[830]	694	164,977	0	0	0	0	13,892	425	[830]	694	179,294			
Balance Rescission			0					0	0			0			
Total Direct with Rescission			164,977					13,892	425			179,294			
Reimbursable FTE		0			0										
Total Direct and Reimb. FTE		694			0										
Other FTE:															
LEAP FTE		0			0										
Overtime		0			0										
Grand Total FTE		694			0							694			

Reprogramming/Transfers:

Carryover:

ATR brought forward \$13,892 from prior years' salaries and expenses funding.

Recoveries/Refunds:

As of September 30, 2016, ATR recoveries totaled \$425, of which \$0 was made available in FY 2016.

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
 Anititrust Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution		Reprogramming/Transfers		Carryover Amount	Recoveries/ Refunds Amount	FY 2017 Availability	
	Positions	Est. FTE	Positions	Est. FTE			Positions	Est. FTE
Anititrust Division	830	694	0	0	7,134	0	830	694
Total Direct	830	694	0	0	7,134	0	830	694
Balance Rescission		0		0	0	0		0
Total Direct with Rescission		694		0	7,134	0		171,797
Reimbursable FTE		0		0				
Total Direct and Reimb. FTE		694		0				694
Other FTE:								
LEAP FTE		0		0				0
Overtime		0		0				0
Grand Total, FTE		694		0				694

Reprogramming/Transfers:

Carryover:

ATR brought forward \$7,134 from prior years' salaries and expenses funding.

Recoveries/Refunds:

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources

Antitrust Division
Salaries and Expenses
(Columns in Thousands)

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Civil Rights Division	0	0	0	0	0	40	0	0	0	0	0	-40
Department of Justice (Justice Management Division)	0	0	1,500	0	0	1,250	0	0	0	0	0	-1,250
Environment and Natural Resource Division	0	0	150	0	0	0	0	0	0	0	0	0
Federal Trade Commission	0	0	5	0	0	0	0	0	0	0	0	0
Office of Attorney	0	0	9	0	0	0	0	0	0	0	0	0
Recruitment/Management	0	0	1	0	0	0	0	0	0	0	0	0
U.S. Attorneys	0	0	2	0	0	0	0	0	0	0	0	0
Council of the IGs on Integrity and Efficiency	0	0	2	0	0	0	0	0	0	0	0	0
Commodity Futures Trading Commission	0	0	1	0	0	0	0	0	0	0	0	0
Office of the Pardon Attorney	0	0	300	0	0	0	0	0	0	0	0	0
U.S. Patent and Trademark Office	0	0	5	0	0	0	0	0	0	0	0	0
Budgetary Resources	0	0	1,973	0	0	1,290	0	0	1,290	0	0	-1,290

Obligations by Program Activity	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Antitrust Division	0	0	1,973	0	0	1,290	0	0	0	0	0	-1,290
Budgetary Resources	0	0	1,973	0	0	1,290	0	0	1,290	0	0	-1,290

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Antitrust Division
Salaries and Expenses
(Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Request			
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Security Specialists (080)	[3]	0	[3]	0	0	0	0	0
Social Science, Psychology, Welfare (0100-0199)	[60]	0	[60]	0	-[10]	0	[4]	[50]
Personnel Management (0200-0260)	[11]	0	[11]	0	-[1]	0	0	[10]
Clerical and Office Services (0300-0399)	[138]	0	[138]	0	-[58]	0	0	[80]
Accounting and Budget (500-598)	[9]	0	[9]	0	0	0	0	[9]
Paralegals / Other Law (900-998)	[180]	0	[180]	0	-[20]	0	0	[160]
Attorneys (905)	[380]	0	[380]	0	-[45]	0	0	[335]
Business & Industry (1100-1199)	[5]	0	[5]	0	-[1]	0	0	[4]
Library (1400-1499)	[3]	0	[3]	0	[1]	0	0	[4]
Mathematics and Statistics Group	[9]	0	[9]	0	0	0	0	[9]
Information Technology Maint. (2210-2299)	[32]	0	[32]	0	-[2]	0	0	[30]
Total	[630]	0	[630]	0	-[135]	0	0	[695]
Headquarters Washington D.C.	[680]	0	[680]	0	-[110]	0	0	[570]
US Fields	[150]	0	[150]	0	-[25]	0	0	[125]
Foreign Field	0	0	0	0	0	0	0	0
Total	[830]	0	[830]	0	-[135]	0	0	[695]

K. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Antitrust Division
Salaries and Expenses
(Dollars in Thousands)

Object Class	FY 2016 Actual		FY 2017 Continuing Resolution		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	689	65,706	694	67,291	695	62,845	1	-4,446
11.3 - Other than full-time permanent	0	14,714	0	15,000	0	14,074	0	-926
11.5 - Other personnel compensation	0	1,648	0	1,700	0	1,576	0	-124
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	237	0	237	0	237	0	0
Total	689	82,305	694	84,228	695	78,732	1	-5,495
Other Object Classes								
12.1 - Civilian personnel benefits		24,435		24,400		22,800	0	-1,600
13.0 - Benefits for former personnel		119		120		120	0	0
21.0 - Travel and transportation of persons		1,848		2,000		2,000	0	0
22.0 - Transportation of things		324		350		350	0	0
23.1 - Rental payments to GSA		21,734		21,662		21,727	0	45
23.2 - Rental payments to others		246		231		231	0	0
23.3 - Communications, utilities, and miscellaneous charges		2,057		1,300		1,300	0	0
24.0 - Printing and reproduction		249		350		350	0	0
25.1 - Advisory and assistance services		695		750		750	0	0
25.2 - Other services from non-federal sources		31,609		30,386		30,288	0	-98
25.3 - Other goods and services from federal sources		2,678		2,800		2,815	0	15
25.4 - Operation and maintenance of facilities		398		400		400	0	0
25.6 - Medical care		99		100		100	0	0
25.7 - Operation and maintenance of equipment		749		800		800	0	0
26.0 - Supplies and materials		1,134		1,400		1,400	0	0
31.0 - Equipment		1,481		500		500	0	0
Total Obligations		172,160		171,797		164,663	0	-7,134
Net of:								
Unobligated Balance, Start-of-Year		-13,892		-7,134		0	0	7,134
Transfers/Reprogramming		0		0		0	0	0
Recoveries/Refunds		-425		0		0	0	0
Balance Rescission		0		0		0	0	0
Unobligated End-of-Year, Available		7,134		0		0	0	0
Unobligated End-of-Year, Expiring		0		0		0	0	0
Total Direct Requirements		164,977		164,663		164,663	0	-7,134
Reimbursable FTE		0		0		0	0	0
Full-Time Permanent		0		0		0	0	0

UNITED STATES
DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEYS



FY 2018
CONGRESSIONAL SUBMISSION

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I. Overview of the United States Attorneys

A. Introduction

In FY 2018, the United States Attorneys request \$2,057,252,000 and 11,031 positions, of which 5,818 are attorneys. The budget request includes the following program increases: \$7,169,000 and 70 positions (70 attorneys) for immigration enforcement; \$18,782,000 and 230 positions (230 attorneys) to combat violent crime.

Electronic copies of the Department of Justice's Congressional Budget Justifications can be viewed or downloaded from the internet: <http://www.justice.gov/02organizations/bpp.htm>.

The United States Attorneys serve as the nation's principal litigators. In response to the mandates of the Constitution that required establishment of a system of federal courts, Congress enacted the Judiciary Act of 1789, directing the President to appoint, in each federal district, "a person learned in the law to act as an attorney for the United States." Since 1870, the United States Attorneys have worked under the direction of the United States Department of Justice.

There are 94 United States Attorneys' offices (USAOs) located throughout the continental United States, Hawaii, Alaska, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. The 93 United States Attorneys (Guam and the Northern Mariana Islands are under the direction of a single United States Attorney) are appointed by, and serve at the discretion of, the President of the United States, with the advice and consent of the United States Senate. The map on page 3 depicts the current district and branch office locations of each USAO.

The United States Attorneys report to the Attorney General through the Deputy Attorney General. Each United States Attorney serves as the chief federal law enforcement officer within his or her judicial district and, as such, is responsible for the prosecution of criminal cases brought by the federal government, the litigation and defense of civil cases in which the United States is a party, and the handling of criminal and civil appellate cases before United States Courts of Appeals. The United States Attorneys and Assistant United States Attorneys (AUSAs) represent the interests of the United States in cities, towns, and communities across the country. Through their hard work and dedication, justice is served throughout the nation. The USAOs conduct most of the trial work in which the United States is a party. Although caseloads vary by district, each USAO has a diverse docket of cases. Each United States Attorney exercises broad discretion in the use of his or her resources to further local priorities and to serve his or her community's needs.



The Attorney General's Advisory Committee of United States Attorneys

United States Attorneys provide advice and counsel to the Attorney General and senior policy leadership through the Attorney General's Advisory Committee (AGAC) and its various subcommittees and working groups. The AGAC was established in 1973, to give United States Attorneys a voice in advising the Attorney General on Department policies. The Committee is comprised of approximately 19 members, including 16 United States Attorneys, a Criminal Chief, a Civil Chief, and an Appellate Chief. The Committee members meet regularly with the Attorney General, the Deputy Attorney General, and the Associate Attorney General, and represent various federal judicial circuits and offices. The AGAC has subcommittees and working groups to address the Administration's priorities.

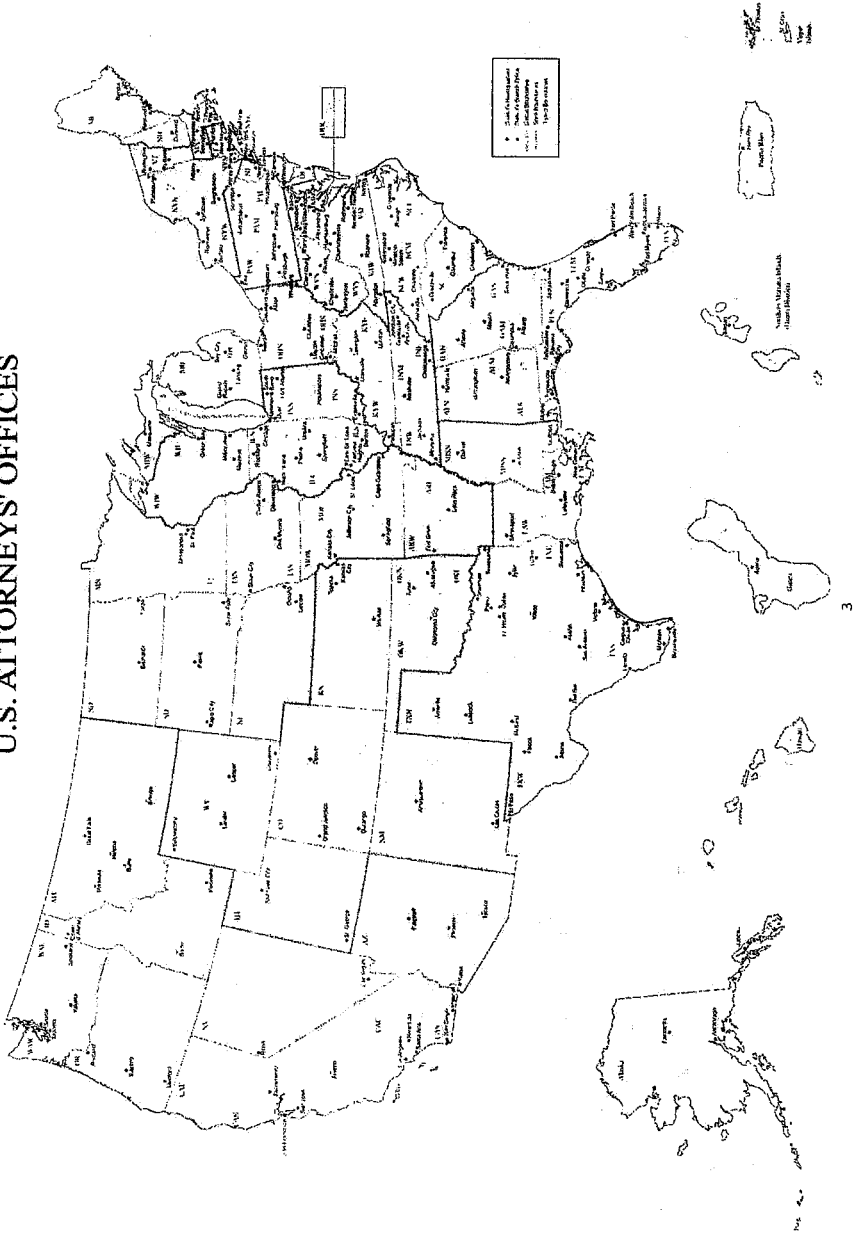
The subcommittees include:

- Border and Immigration Law Enforcement
- Civil Rights
- Criminal Practice
- Cyber/Intellectual Property
- LECC/Victim/Community Issues
- Native American Issues
- Office Management and Budget
- Terrorism/National Security
- Violent and Organized Crime
- White Collar/Fraud

The working groups include:

- Administrative Officers
- Appellate Chiefs
- Child Exploitation and Obscenity
- Civil Chiefs
- Controlled Substances and Asset Forfeiture
- Criminal Chiefs
- Domestic Terrorism
- Elder Justice
- Environmental Issues
- Forensic Science
- Health Care Fraud
- Local Government Coordination
- Medical Marijuana
- National Lab/Research University
- Racial Disparities
- Resource Allocation
- Security Issues
- Service Members and Veterans Rights

U.S. ATTORNEYS' OFFICES





Executive Office for the United States Attorneys

In 1953, Attorney General Order No. 8-53 established the Executive Office for United States Attorneys (EOUSA) to "provide general executive assistance and supervision to the offices of the United States Attorneys." One of the original directives instructed EOUSA to "serve as liaison, coordinator, and expeditor with respect to the Offices of the United States Attorneys, and between these offices and other elements of the Department [of Justice]." Under the guidance of the Director, EOUSA provides the 94 USAOs with general executive assistance and supervision; policy guidance; administrative management direction and oversight; operational support; and coordination with other components of the Department and other federal agencies. EOUSA's responsibilities encompass legal, budgetary, administrative, and personnel services, as well as continuing legal education. EOUSA provides support and assistance to approximately 11,600 direct and reimbursable employees in 241 staffed offices throughout the country. See Exhibit A for an organizational chart of EOUSA.

The following three program/functional areas fall under the immediate direction of the Director: **Resource Management and Planning; Information Technology; and Human Resources.** The responsibilities of these program areas are outlined below:

The **Chief Financial Officer** provides the Director with expert advice on an annual budget of approximately \$2 billion, full-time equivalent (FTE) position allocations, resource management, and reimbursable agreements with the Department and other federal agencies. The CFO has responsibility for the following staffs: the **Resource Management and Planning (RMP) Staff**; the **Facilities and Support Services (FASS) Staff**; and the **Acquisitions Staff**. The **RMP Staff** is responsible for budget formulation, budget execution, financial management, audit reviews, and the detailee program. The **RMP Staff** compiles resource needs and formulates an annual budget submission for presentation to the Department, the Office of Management and Budget (OMB), and Congress. It also manages day-to-day financial operations through daily contact with the USAOs and through review of regular accountability reports. An internal Audit and Review Staff evaluates the internal controls in the USAOs and prepares districts for the annual independent federal financial audit. The **Detailee Program Staff** initiates and coordinates all detail assignments, both internal and external to our community. The **Financial Systems Support Group (FSSG)** provides financial systems support and expertise to the USAOs on all Departmental and EOUSA automated financial and accounting systems. **RMP** also develops performance measures for the United States Attorneys in accordance with the Government Performance and Results Act (GPRA) and coordinates quarterly status reporting and program assessments. The **FASS Staff** provides direct support and oversight of all USAOs in the areas of real property management, including space acquisition, relocation, design, repair, and management of rent payments. Support services include forms management, printing, and mail metering. The **Acquisitions Staff** supports both EOUSA and the USAOs by issuing contracts for supplies/services nationwide in compliance with applicable federal, departmental, and other regulations, policies, and procedures.



The **Chief Information Officer** is responsible for providing advice and assistance to the Director of EOUSA and the senior staff to ensure that information technology is acquired and managed according to Department and EOUSA policies and procedures. The CIO directs and manages the following staffs. The **Case Management Staff** develops and maintains software applications and case management systems. The **Office Automation Staff** supports the purchase and installation of computer systems, equipment, and software; the maintenance of hardware and software; and end-user training. The **Telecommunications and Technology Development Staff** provides administrative and technical support to the USAOs in all telecommunications activities, including voice, data, and video. The **Information Security Staff** ensures the confidentiality, integrity, and availability of information and information systems to best support the mission of the United States Attorneys. The **Records Information Management Staff** coordinates and oversees electronic records and document management capabilities of all USAOs. The **Enterprise Voice-over Internet Protocol Staff** implements and maintains the next generation telephone service/system that integrates into the computer system, creating a more effective method of communication to maximize return on investment and contribute to the mission statement of the USAOs.

The **Chief Human Resources Officer** is responsible for all aspects of human resource management, operations, policy, and practices in EOUSA and the USAOs. The **Human Resources Staff** assists EOUSA and the USAOs by providing employment services in such areas as position classification, staffing, compensation, employee benefits, performance management, pre-employment security, and employee assistance. Staff members provide guidance, advice, and training related to these programs and activities. The **Security and Emergency Management Staff** provides security program support for the USAOs, including policy and procedural assistance, training, education and awareness efforts, and emergency and contingency planning.

EOUSA also has two Deputy Directors who report to the Director. The **Deputy Director/Counsel to the Director** oversees the **Office of Legal and Victim Programs**; the **Strategic Communications Staff**; the **Data Integrity and Analysis Staff**; and the **Evaluation and Review Staff**. The functions of these units are outlined below:

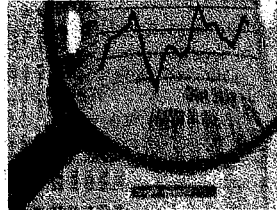
The **Office of Legal and Victim Programs** includes four staffs: **Asset Recovery**; **White Collar and Civil Litigation**; **Victim-Witness**; and **Indian, Violent and Cyber Crimes**. Each staff assists in the development and implementation of policies and procedures in its program areas, and serves as a liaison between the USAOs and other offices both inside and outside the Department. The **Asset Recovery Staff** supports the collection and enforcement efforts of district financial litigation programs, asset forfeiture programs, and bankruptcy. The **White Collar and Civil Litigation Staff** provides guidance and support to the USAOs in the areas of health care fraud, white collar crime, and civil defensive litigation. In addition, the staff coordinates the activities of the Affirmative Civil Enforcement Program, which uses civil statutes for federal law enforcement efforts in fighting economic fraud. The **Victim-Witness Staff** provides guidance and support for personnel in the USAOs who handle victim notification, explain to victims the criminal justice process, prepare victims



and witnesses for testimony and allocution, coordinate and accompany victims and witnesses to court proceedings, and provide victims with service referrals and emergency assistance. The staff also provides guidance and support to the USAOs on both civil and criminal Civil Rights issues. The **Indian, Violent and Cyber Crimes Staff** provides guidance and support to the USAOs in the areas of Native American issues, computer crime and intellectual property, immigration and border security, violent crime and gangs, and narcotics. The staff also provides management support for the Project Safe Neighborhoods and Project Safe Childhood programs.

The **Strategic Communications Staff (SCS)** supports EOUSA and the USAOs with external and internal communications, digital engagement, and multimedia. Working closely with the Department's Office of Public Affairs, SCS provides support on public affairs and media issues related to the USAOs. SCS also manages digital engagement at EOUSA, providing web content and social media management, development, and support for EOUSA and the USAOs, as well as multimedia services such as photography, audio/visual productions, and graphic design.

The **Data Integrity and Analysis Staff** is responsible for providing statistical information and analysis for EOUSA. The staff provides data and analysis to EOUSA's leadership, and helps EOUSA respond to data requests from DOJ components, the White House, Congress, and the public. The staff also provides the United States Attorneys' community comprehensive quarterly analysis of work-year, caseload, and workload information, and produces the United States Attorneys' Annual Statistical Report.




The **Evaluation and Review Staff** carries out EOUSA's responsibility under 28 C.F.R. Part 0.22 to evaluate the performance of the USAOs, to make appropriate reports, and to take corrective actions if necessary. The evaluation program enables EOUSA to fulfill this responsibility. In meeting these regulatory and statutory requirements, the evaluation program provides on-site management assistance to United States Attorneys, as well as a forum for evaluators and the office being evaluated to share information and innovative ideas. The feedback provided to EOUSA's leadership assists in addressing management issues in the USAOs and also as a vehicle for identifying and sharing best practices.



The **Deputy Director for Legal Management** oversees the following offices and staffs:

- The **Office of Legal Education (OLE)** develops, conducts, and authorizes the training of all federal legal personnel. OLE coordinates legal education and attorney training for the Department of Justice, other federal departments and agencies, as well as state and local law enforcement. OLE is a separate decision unit of the budget, and its functions and mission, which are largely completed at the National Advocacy Center (NAC) in Columbia, South Carolina, are discussed in greater detail in Section IV.C.


- The **Freedom of Information and Privacy Act (FOIA) Staff** processes all FOIA and Privacy Act requests for records located throughout EOUSA and the USAOs, provides legal guidance to the USAOs concerning FOIA/Privacy Act issues, represents them in administrative appeals, and assists AUSAs and Department of Justice attorneys in litigation in federal courts by providing draft pleadings and preparing legal documents.
- The **Equal Employment Opportunity and Diversity Management (EEO/DM) Staff**, which provides centralized leadership, coordination, and evaluation of all equal employment efforts within EOUSA and the USAOs, is comprised of three components – Complaint Processing, Affirmative Employment/Special Emphasis Programs, and training. The EEO mission supports the USAOs and EOUSA by providing timely and impartial customer service in the areas of conflict resolution; EEO complaint processing; civil rights policy development and training; language assistance plans; and diversity management assistance through training, outreach, and recruitment.
- The **General Counsel's Office (GCO)** provides advice to the USAOs and EOUSA on a broad array of legal and ethical issues, including conflicts of interest, recusals, outside activities, gifts and financial disclosures, allegations of misconduct, personnel legal issues, discovery requests, and compliance with subpoenas. The GCO is also responsible for the employee relations programs of EOUSA and the USAOs.



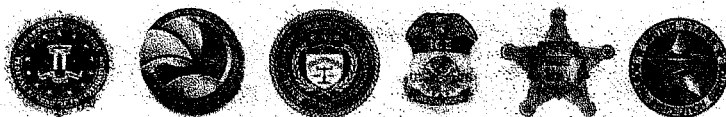
CRIMINAL PROSECUTIONS

The USAOs investigate and prosecute the vast majority of criminal cases brought by the federal government – representing an incredibly diverse workload. The types of cases include international and domestic terrorism; illegal immigration; southwest border enforcement; firearms and violent crime; identity theft; public corruption; procurement, securities, and mortgage fraud; gangs and organized crime; drug enforcement; human trafficking; and criminal civil rights. Many of these cases involve multiple defendants and are extremely complex. The nature of today's crimes has required prosecutors to acquire extensive knowledge in a wide range of fields, such as banking, health care, computer technology, securities, and forensics.



The United States Attorneys receive most of their criminal referrals, or “matters,” from federal investigative agencies, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the United States Immigration and Customs Enforcement (ICE), the United States Secret Service, and the United States Postal Inspection Service. The USAOs also receive criminal matters from state and local investigative agencies, and sometimes through reports from private citizens. Following careful consideration of each criminal matter, the United States Attorney must decide whether to present the matter to a grand jury for indictment.

Federal Law Enforcement Partners



Although historically a large percentage of criminal defendants have pled guilty prior to trial, a USAO must always be prepared to go to trial after the grand jury returns an indictment. Careful and diligent preparation for trial, including thorough pre-trial discovery and the litigation of pre-trial motions, helps to clarify issues, promote efficiency, and protect a defendant's rights under the Speedy Trial Act. When a defendant does not plead guilty, however, a trial before a petit jury or a judge (a bench trial) becomes necessary. If the defendant is convicted after trial, the USAO must participate in a sentencing hearing and also defend the conviction in post-trial litigation and on appeal. The USAOs handle most criminal appeals before the United States Court of Appeals. If there is a further appeal, the United States Attorney may be called upon to assist the Solicitor General in preparing the case for review by the United States Supreme Court.



CIVIL LITIGATION

The United States Attorneys initiate civil actions, referred to as "affirmative litigation," to assert and protect the United States' interests. They also defend the United States' interests in lawsuits filed against the government, referred to as defensive civil litigation. In other civil cases, the United States is a third party, creditor, or intervener, such as representing the government's interests in bankruptcy actions.

Examples of affirmative litigation include civil actions brought to enforce the nation's environmental, admiralty, and civil rights laws; recoup money and recover damages resulting from federal program and other fraud; enforce administrative summonses; and forfeit assets seized by federal, state, and local law enforcement.

Defensive litigation includes actions seeking monetary damages for alleged torts, contract violations, and discrimination by the United States and its agents and employees. It also includes defending suits challenging government administrative actions, including Social Security disability determinations; habeas corpus petitions; and constitutional challenges to statutes and other federal policies. The USAOs represent and defend the government in its many roles – as employer, regulator, law enforcer, medical care provider, revenue collector, contractor, procurer, property owner, judicial and correctional systems managers, and administrator of federal benefits. When the United States is sued, the Department of Justice must be its legal representative.

Civil defensive work is unique because it is non-discretionary and non-delegable. Unlike criminal matters, civil defensive cases cannot be declined to manage or reduce an office's caseload. All cases filed against the United States, its agencies, and employees in their official capacities must be defended.

CRIMINAL AND CIVIL APPEALS

Appeals require a thorough review of the entire record in the case, the filing of briefs, and in many, participation in oral argument before the United States Court of Appeals. In most appellate matters handled by the USAOs, the United States is the appellee and must respond to an appeal initiated by an opposing party. Accordingly, the appellate workload of the United States Attorneys fluctuates based on decisions outside their control. Furthermore, the complexity of appellate work and the time required to handle that work increases when the case presents complicated facts or novel questions of law.



CRIMINAL AND CIVIL DEBT COLLECTION

The USAOs are responsible for collecting both criminal and civil debt for the federal government. Each USAO has a Financial Litigation Unit (FLU) responsible for criminal and civil debt collection activities as well as an Affirmative Civil Enforcement staff devoted to civil debt collection.

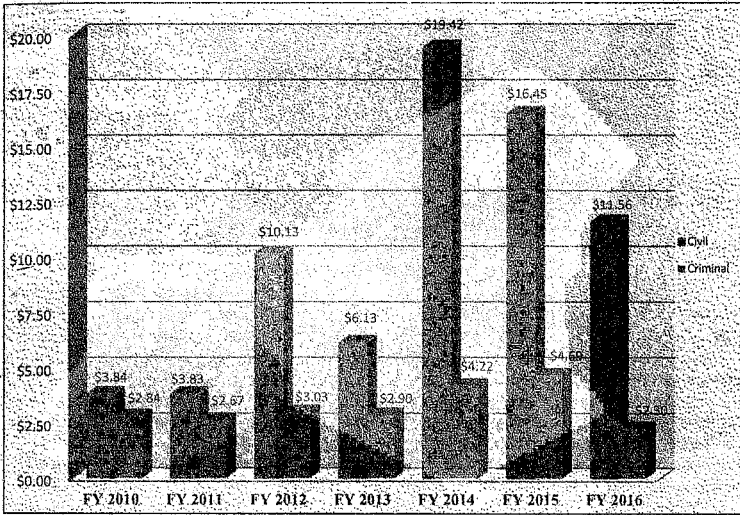
Debts are incurred by a criminal defendant when the defendant is sentenced by the court. These debts may be in the form of restitution to crime victims, fines imposed by the court, special assessments on each criminal conviction count, costs of prosecution and other costs, or forfeitures of appearance bonds. Interest may also be collected in certain cases. When restitution is ordered, the USAOs are involved in collecting federal restitution payments (owed to the United States) as well as non-federal restitution (owed to private individuals and entities). As a result of the Mandatory Victims Restitution Act (MVRA), courts must impose monetary restitution orders in all violent crimes and most property crimes, regardless of a defendant's ability to pay restitution. United States Attorneys are required to enforce restitution orders on behalf of all federal crime victims.

The United States Attorneys are also the legal representatives for other federal agencies to pursue repayment of debts. For example, when federal agencies lend money and the recipients default on repayment, or when federal agencies have paid on guaranteed loans that have not been repaid as provided for in the lending agreement, the United States Attorneys pursue repayment of the debt. The Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, Transportation, Veterans Affairs, and the Small Business Administration are some of these client agencies. The United States Attorneys file suit to obtain judgments to collect debts, foreclose on real property, compel physicians to repay or fulfill their commitment to the Public Health Service in return for education grants, sue to set aside fraudulent transfers of property which could be used to satisfy defaulted loans, and manage debtor repayment schedules.



The table below illustrates the significant amount of debts collected each year from FY 2010 through the end of FY 2016.

Debt Collection Chart (in billions)



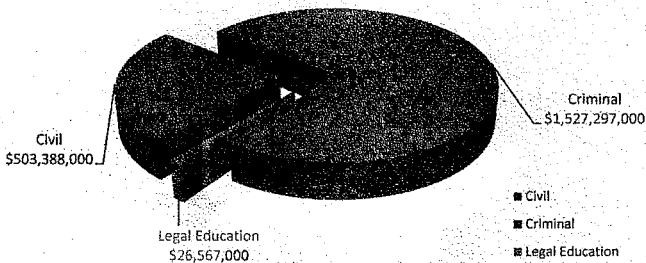
In FY 2016, the USAOs collected \$13.86 billion in criminal and civil debts. Of the total debts collected, USAOs recovered \$2.30 billion in criminal debts; and \$11.56 billion in civil debts. The United States Attorneys' FY 2016 collection efforts, handled by a very small percentage of the total workforce, returned to the Treasury nearly seven times the \$2.0 billion appropriated in the FY 2016 budget for the entire United States Attorneys' community.



B. Full Program Costs

The United States Attorneys' \$2,057,252,000 budget request for FY 2018 is divided into three decision units: criminal, civil, and legal education.

FY 2018 Budget Request by Decision Unit



Some programs, as well as management and administration costs, cross decision units. The performance and resource tables for each decision unit reflect the total costs of achieving the strategies that the United States Attorneys will employ in FY 2018. The various resource and performance charts incorporate the costs of lower level strategies which also contribute to the achievement of objectives, but which may not be highlighted in detail in order to provide a concise narrative. Also included are the indirect costs of continuing activities, which are central to the operations of each decision unit. This request will fund the United States Attorneys' role in supporting the Department's Strategic Plan. We will continue to provide federal leadership in preventing and controlling crime and seeking just punishment of those found guilty of unlawful conduct.



C. Performance Challenges

The United States Attorneys face both external and internal challenges that can impact their ability to meet their goals. Some of these performance challenges are summarized below.

External Challenges

Coordinating with External Partners: Law enforcement is a central element of the United States Attorneys' mission, yet the ability and willingness of other federal, state, tribal, and local law enforcement partners to coordinate and share intelligence, resources, and personnel with one another can pose significant challenges. Failure to coordinate and collaborate can impede the prosecution of complex criminal activity and even disrupt ongoing investigations. Thus, we must continually strive to enhance coordination with our law enforcement partners.

Identifying Emerging Criminal Activities: Criminal activity, especially fraud, continues to evolve in response to new technologies and law enforcement efforts. Fraud schemes, which have become more sophisticated and complex over time, can have a significant impact on individual financial stability as well as our economy. As a result, the United States Attorneys and their investigative partners are working to identify financial frauds as they emerge so law enforcement can address these crimes in a timely and comprehensive manner.

Keeping Pace with Technology: As technology has evolved, so has the amount of electronically stored information that comprises critical evidence in our investigations and cases. To keep pace with this change and to ensure that our criminal and civil cases are adequately supported, the United States Attorneys must develop an integrated approach to electronic discovery that focuses on employee skills, training, best practices, and technological tools to help identify, collect, process, review, analyze, and present electronic evidence.

Internal Challenges

Maintaining a Skilled Workforce: To address certain external changes and challenges, such as increasing amounts of eDiscovery, the United States Attorneys need employees who can adapt to changes in the law, its practice, and the tools used in support of the United States Attorneys' mission. We must ensure that each USAO has sufficient access to qualified automated litigation support specialists and legal support staff who have the expertise necessary to consult with attorneys on technical issues and institute and follow defensible practices with respect to electronic data. This requires a significant effort focused on improving the competencies of existing employees through training and hiring new employees with the appropriate skill sets.

Keeping Pace with Technology: New technologies have generated cutting-edge methods for committing crimes, such as the use of the Internet to commit identity theft and the use of peer-to-peer software programs to share large volumes of information in real time. These technologies continue to pose many challenges, with complexity and volume being the most prevalent. The USAOs strive to keep pace with these cutting-edge methods and the exponentially increasing volume of data associated with a diverse range of cases. The United States Attorneys must



continue to develop innovative practices to ensure that each office has the capacity to process, analyze, and leverage electronic information. For example, the USAs have implemented eDiscovery processes to move from paper evidence to electronic evidence, and to manage, examine, and transfer large amounts of casework data. The USAs have used technologically advanced tools and processes in sophisticated cases, allowing for data integration from multiple source points, which is critical to organizing and prosecuting complex cases, such as healthcare fraud and securities fraud cases. The USAOs are looking to expand this support to other types of cases such as procurement fraud.



II. Summary of Program Changes

In FY 2018, the United States Attorneys' budget request is \$2,057,252,000, which includes the following program changes: 300 positions (300 attorneys); 128 FTE; and \$25,951,000 in program increases. The following program changes are outlined in the chart below:

Item Name	Description			Page	
	Purpose	Pos.	FTE		Dollars (\$000)
Immigration Enforcement Prosecutors	These resources will provide for 70 Assistant United States Attorneys to address illegal immigration and border enforcement.	70	43	7,169	36
Violent Crime Prosecutors	These resources will provide for 230 Assistant United States Attorneys to address violent crime across the country.	230	85	18,782	41
TOTAL		300	128	25,951	



III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, [\$2,000,000,000] \$2,057,252,000: *Provided*, That of the total amount appropriated, not to exceed \$7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a task force on human trafficking.

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IV. Program Activity Justification

A. Criminal

Criminal Litigation	Direct Pos.	Estimated FTE	Amount
2016 Enacted	8,176	7,623	1,485,996,000
2017 Continuing Resolution	8,176	7,623	1,478,870,000
Adjustments to Base and Technical Adjustments	0	0	24,854,000
2018 Current Services	8,176	7,623	1,503,724,000
2018 Program Increases	280	118	25,573,000
2018 Request	8,456	7,741	1,527,297,000
Total Change 2017-2018	280	118	48,427,000

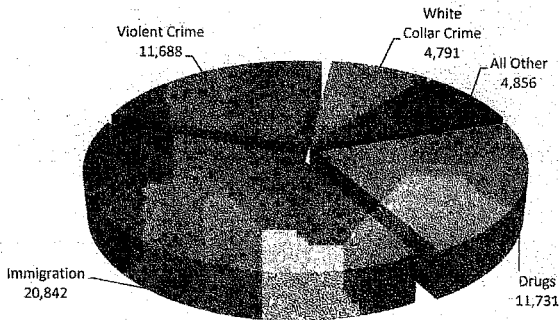
Criminal Litigation Information Technology Breakout	Perm. Pos.	FTE	Amount
2016 Enacted	344	344	128,360,000
2017 Continuing Resolution	344	344	130,285,000
Adjustments to Base and Technical Adjustments	0	0	1,955,000
2018 Current Services	344	344	132,240,000
2018 Request	344	344	132,240,000
Total Change 2017-2018	0	0	1,955,000



1. Program Description—Criminal Program Activity

As discussed earlier, the USAOs receive criminal referrals from federal investigative agencies as well as state and local investigative agencies. After careful consideration of the applicable law and evidence in each case, a USAO must decide whether to initiate a prosecution. During FY 2016, the USAOs filed 53,908 felony criminal cases against 72,006 defendants in United States District Court. The following chart shows the types of cases filed by the USAOs:

Criminal Workload
FY 2016 Felony Cases Filed – 53,908



A total of 54,270 cases against 71,838 defendants were closed during FY 2016. Of the 71,838 defendants whose cases were closed, 92.8 percent or 66,670, either pled guilty or were found guilty after a trial. Of these, 53,794 defendants received prison sentences. One hundred and twenty-seven of these defendants received sentences of life imprisonment. The rate of convicted defendants who received prison sentences has been approximately 80 percent over the last five years.

PERFORMANCE AND RESOURCES TABLE										
Decision Unit: Criminal										
RESOURCES										
	Enacted		Actual		Projected		Changes		Requested (Total)	
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	7,623	1,485,996	7,373	1,472,723	7,623	1,476,870	118	48,427	7,741	1,527,297
	1,262	(332,294)	1,033	(243,964)	1,262	(257,593)			1,262	(257,593)
TYPE		FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request
Program Activity		345	51,056	345	51,056	296	51,056	0	0	296
Performance Measure: Output	Terrorism/Terrorist-Related									
	Number of Cases - Defendants Handled	181,606		176,451		179,216		4,762		179,998
Performance Measure: Efficiency	Total Defendants Terminated	90,461		71,838		72,556		726		73,282
Performance Measure: Outcome	Total Defendants Guilty	83,960		68,670		67,337		673		68,010
Performance Measure: Outcome	Percentage of Cases Favorably Resolved	90.00%		93.00%		90.00%		0		90.00%

Data Definition, Validation, Verification, and Limitations: Data is collected from the USA-5 monthly Resource Summary Report System, which summarizes the use of personnel resources allocated to USAOs. Data is also taken from the United States Attorneys' central Case Management System, which contains district information including criminal matters, cases, and appeals. The USAOs are required to submit bi-annual case data certifications to EOUSA. The data is reviewed by knowledgeable personnel such as supervisory attorneys and legal clerks in each district. Attorneys and support personnel are responsible for ensuring that local procedures are followed for maintaining the integrity of the data in the system. Terrorism cases include hoax and financing cases, as well as the traditional domestic and international terrorism cases. Terrorism-related cases involve national security/critical infrastructure, which are prosecuted against defendants whose criminal conduct may or may not be terrorist-related, but whose conduct affects national security or exposes critical infrastructure to potential terrorist exploitation. Note that the number of terrorist convictions does not reflect the range of prosecutorial work performed by USAOs that results in disruption of terrorist activity, and other work that does not result in criminal prosecutions because of intelligence gathering and other national security considerations.

PERFORMANCE MEASURE TABLE															
Decision Unit: Criminal															
Performance Report and Performance Plan Targets															
Performance Measure	FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018		
	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	
Performance Measure	Number of Cases - Defendants Handled														
	201,412		197,001		188,272		180,303		181,606		175,453		178,216		179,996
Performance Measure	Total Defendants Terminated														
	87,709		82,092		80,174		74,990		90,461		71,839		72,596		73,282
Performance Measure	Total Defendants Guilty														
	80,963		75,718		74,392		69,561		83,860		69,676		67,337		68,010
OUTCOME Measure	Percentage of Cases Favorably Resolved														
	92.0%		92.0%		92.7%		92.7%		90.0%		90.0%		90.0%		90.0%
N/A = Data unavailable															

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

In the criminal area, the performance outcome measure for the United States Attorneys is the percentage of criminal cases favorably resolved during the fiscal year. The United States Attorneys has consistently met or exceeded its goal of 90 percent.

The United States Attorneys will continue to play a vital role in violent crime across the country. USAs continue to address the illegal use of firearms and other acts of violence in our communities. Drug prosecutions will continue to be a priority, with a particular emphasis on the operations of large drug organizations. USAs will leverage a multi-agency focus on reducing violent and gun-related crime in particularly hard-hit urban areas by using innovative means to locate individuals, organizations and gangs within specific high crime jurisdictions. Through partnerships of federal, state and local law enforcement, USA will utilize the tools and resources available to develop and implement strategies for eradicating violent crime wherever it may occur.

Federal prosecution of crimes committed on our nation's northern and southwestern borders is a critical part of our national security. Border-related cases span a wide range of priorities, including felony and misdemeanor immigration cases, human trafficking, alien smuggling, firearms and ammunition trafficking, document fraud, drug offenses, and significant threats from designated criminal and terrorist organizations. In combating these challenges, USAs' efforts will focus on illegal immigration and violent crime.

For many years, the USAs have made criminal immigration prosecutions the largest category of criminal cases handled in their offices, and they will continue with those efforts.

The following cases are examples of the United States Attorneys' criminal case successes in FY 2016:

The USAO in the **Southern District of Texas**, prosecuted defendant Noe Aranda-Soto, aka "Diablo" of San Carlos, Michoacan, Mexico, for kidnapping resulting in death, use of a firearm during and in relation to a crime of violence resulting in death, and conspiracy to transport aliens for private financial gain resulting in death. He was sentenced on September 12, 2016 to three life sentences, one of the life sentences was ordered to run consecutively to the other two life terms imposed.

The USAO in the **Southern District of New York**, sentenced Minh Quang Pham, also known as "Amin," to 40 years in prison, and a life term of supervised release, for terrorism charges in May 2016. Pham's efforts supported al Qaeda in the Arabian Peninsula (AQAP), a designated foreign terrorist organization including providing material support to AQAP, conspiring to receive military training from AQAP, and possessing and using a machine gun in furtherance of crimes of violence. Pham traveled to Yemen, where he received military-



style training from AQAP, including learning to build explosive devices, with the intent to commit harm against the United States and our allies. Pham also contributed to terrorist propaganda in order to promote acts of violence and hate across the globe – contributing to Inspire magazine, a recruitment tool and “how-to” guide for would-be terrorists around the world. Pham was arrested in the United Kingdom in 2012, and extradited to the United States in 2015.

- On May 4, 2016, the Eastern District of Louisiana convicted Deloyd and Byron Jones, leaders of the Ride or Die (R.O.D.) street gang in New Orleans, to life in prison for their participation in murder and racketeering activity. The gang controlled narcotics distribution in Louisiana’s St. Roch neighborhood through violence and threats of violence, to include murder, attempted murder, and assaults. A jury found Deloyd Jones guilty of four attempted murders and two murders, and found Byron Jones guilty of two attempted murders and one murder. The Joneses were 3 of 12 defendants charged with conspiring to distribute cocaine base and possess firearms in furtherance of their drug-trafficking crimes. Nine defendants pleaded guilty to various charges, and were later sentenced to terms ranging from 48-121 months in prison. The 12th defendant was sentenced after the Joneses’ sentencing.

Computer hacking, data thefts and cyberattacks can compromise national security and have the potential of crippling our nation’s infrastructure. The United States Attorneys’ will continue to prioritize cybercrime prosecutions, protecting Americans from similar threats in the future.

b. Strategies to Accomplish Outcomes

The United States Attorneys play a central role in assisting the Department in accomplishing its Strategic Goals and Objectives by contributing to ten of the Department’s eighteen strategic objectives. In FY 2018, the United States Attorneys will continue to place a high priority on prosecutions related to national security as well as address other important priorities such as illegal immigration; border enforcement; violent crime; illegal firearms; gang prosecution; transnational organized crime; Indian Country prosecution; cybercrime prosecutions; drug enforcement; human trafficking, and complex and multi-jurisdictional fraud – including health care, identity theft, public corruption, corporate and investment fraud.

The United States Attorneys will also increase the use of technology in our practice of law. Technology provides a means to increase the productivity of existing resources. As criminal cases are increasingly “electronic”, providing technical training and recruiting a workforce with the skill sets needed to fully utilize the electronic tools available to the community are critical to the successful furtherance of our mission.

Other strategies include:

- Regular reviews and monitoring of case and workload data.
- Continue to look at operational efficiencies in order to preserve human capital, which is our most valuable resource.
- Continue to address emerging training needs through the Office of Legal Education.

B. Civil

Civil Litigation	Perm. Pos.	FTE	Amount
2016 Enacted	2,502	2,340	489,477,000
2017 Continuing Resolution	2,502	2,340	492,956,000
Adjustments to Base and Technical Adjustments	0	0	8,054,000
2018 Current Services	2,502	2,340	501,010,000
2018 Program Increases	20	10	2,378,000
2018 Request	2,522	2,350	503,388,000
Total Change 2017-2018	20	10	10,432,000

Civil Litigation Information Technology Breakout	Perm. Pos.	FTE	Amount
2016 Enacted	95	95	34,558,000
2017 President's Budget	95	95	35,077,000
Adjustments to Base	0	0	526,000
2018 Current Services	95	95	35,603,000
2018 Request	95	95	35,603,000
Total Change 2017-2018	0	0	526,000



1. Program Description—Civil Program Activity

Civil litigation pursued by the United States Attorneys falls into two basic categories:

(1) affirmative civil litigation, in which the United States is the plaintiff; and (2) defensive civil litigation, in which the United States is the defendant. Affirmative civil litigation cases are actions taken by United States Attorneys to assert and protect the government's interests. They include such issues as the enforcement of the nation's environmental, admiralty, and civil rights laws, as well as the recovery of damages sustained by the government through fraud. The United States Attorneys also use affirmative civil litigation to recoup money owed and recover damages sustained by the government. Defensive civil litigation includes actions seeking monetary damages for alleged torts, contract violations, and discrimination by the United States and its agencies and employees.

The United States Attorneys may also be called upon to represent the United States in cases that are not clearly defined as either affirmative or defensive civil litigation, but in which the government has an interest, such as bankruptcy cases in which the United States is a party. One key difference between affirmative and defensive civil litigation is that while United States Attorneys have some discretion in deciding which affirmative civil cases they will pursue, they must defend the government in all defensive civil litigation.

The United States Attorneys are required to defend an increasing number of civil actions brought by immigration detainees who either are in deportation proceedings or are subject to final orders of deportation. Petitions for constitutionally required bond hearings brought by criminal aliens, challenges to denial of parole by arriving aliens, and expedited removal proceedings with respect to arriving aliens, present a growing challenge in the border states and at other locations with major ports of entry.

Affirmative civil cases can return substantial monies to the federal Treasury. In FY 2016, the USAOs collected \$1.56 billion in civil debts, which is several times more than the entire United States Attorneys' budget. The following cases are examples of the United States Attorneys' civil successes in FY 2016:

- In February 2016, the Department reached a settlement with Morgan Stanley for \$2.6 billion to resolve claims related to the marketing, sale, and issuance of residential mortgage-backed securities (RMBS). An RMBS is a type of security comprised of a pool of mortgage loans created by banks and other financial institutions. The expected performance and price of an RMBS is determined by a number of factors, including the characteristics of the borrowers and the value of the properties underlying the RMBS. As part of the agreement, Morgan Stanley acknowledged in writing that it failed to disclose critical information to prospective investors about the quality of the mortgage loans underlying its RMBS and about its due diligence practices. Investors, including federally insured financial institutions, suffered billions of dollars in losses from investing in RMBS issued by Morgan Stanley in 2006 and 2007. Morgan Stanley was one of the institutions that issued RMBS during the period leading up to the economic crisis in 2007 and 2008.



In April 2016, the Department, along with federal and state partners, reached a settlement for \$5.06 billion with Goldman Sachs related to its conduct in the packaging, securitization, marketing, sale, and issuance of residential mortgage backed securities (RMBS) between 2005 and 2007. Investors, including federally insured financial institutions, suffered billions of dollars in losses from investing in RMBS issued and underwritten by Goldman during those years. The resolution required Goldman to pay \$2.385 billion in a civil penalty under the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) and required the bank to provide \$1.8 billion in other relief, including relief to underwater homeowners, distressed borrowers and affected communities, in the form of loan forgiveness and financing for affordable housing. Goldman will also pay \$875 million to resolve claims by other federal entities and state claims.

In April 2016, the Department announced a settlement of civil mortgage fraud claims against Wells Fargo and Wells Fargo executive Kurt Lofrano, stemming from Wells Fargo's participation in the Federal Housing Administration (FHA) Direct Endorsement Lender Program. In the settlement, Wells Fargo agreed to pay \$1.2 billion and acknowledged and accepted responsibility for, among other things, certifying to the Department of Housing and Urban Development (HUD), during the period from May 2001 through December 2008, that certain residential home mortgage loans were eligible for FHA insurance when in fact they were not, resulting in the government having to pay FHA insurance claims when some of those loans defaulted. The agreement resolved the United States' civil claims in its lawsuit in the Southern District of New York, as well as an investigation conducted by the U.S. Attorney's Office for the Southern District of New York regarding Wells Fargo's FHA origination and underwriting practices subsequent to the claims in its lawsuit and an investigation conducted by the U.S. Attorney's Office for the Northern District of California into whether American Mortgage Network, LLC (AMNET), a mortgage lender acquired by Wells Fargo in 2009, falsely certified and submitted ineligible residential mortgage loans for FHA insurance.

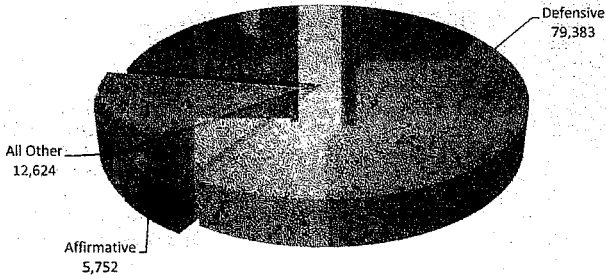
Civil matters and cases represent a significant part of the United States Attorneys' workload. In FY 2016, the United States Attorneys received 105,685 civil matters, which represented 45 percent of all of the 235,555 criminal and civil matters received during the fiscal year. Of the civil matters received, 79 percent or 80,150 were defensive matters, nine percent or 9,320 were affirmative matters, and 12 percent or 11,658 were other civil matters. The United States Attorneys filed or responded to 97,759 civil cases in FY 2016, which represented 64 percent of the 151,667 criminal and civil cases filed during the fiscal year. Of the civil cases filed, 81 percent or 79,383 were defensive cases; eight percent or 5,752 were affirmative cases; and 13 percent or 12,624 were other civil cases.

The USAOs' successes in civil defensive litigation preserves taxpayer dollars and enhances the efficient operation of the federal government by defending the policies and programs of federal agencies against individual and class action lawsuits challenging agency authority or compliance with federal laws and the constitution.



USAOs track the different types of cases where they are able to defend the government and whether or not they are successfully resolved. In affirmative civil cases handled by USAOs, or jointly with the Civil Division, USAOs' successes have resulted in the collection of billions of dollars for the Government and victims of fraud. Between FY 2010 and FY 2016, the number of civil cases filed or responded to increased by approximately 17 percent or 14,160 - from 83,599 cases to 97,759, and the number of civil cases referred to the United States Attorneys increased by approximately 15 percent or 13,487 - from 92,198 to 105,685 cases. The number of defensive civil cases filed increased by 21 percent or 13,705 - from 65,678 cases in FY 2010 to 79,383 in FY 2016.

Civil Workload
FY 2016 Cases Filed/Responded To – 97,759



2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE										
Decision Unit: Civil										
RESOURCES										
	Enacted		Actual		Projected		Changes		Requested (Total)	
	FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
CIVIL LITIGATION	2,340	489,477	2,253	468,909	2,340	492,956	10	10,432	2,350	503,388
Reimbursable FTE and Costs (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	430	133,445	369	85,541	430	1104,827	0	0	430	104,827
TYPE	FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
Workload Measure: Output	107,155		113,699		120,896		1,209		122,105	
Performance Measure: Output	40,241		48,113		48,594		486		49,080	
Performance Measure: Output	32,976		34,986		35,338		353		35,691	
Performance Measure: Outcome	80.00%		80.00%		80.00%		0		80.00%	

PERFORMANCE MEASURE TABLE

Decision Unit: Civil		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Report and Performance Plan Targets															
Performance Measure	Number of Matters Handled	116,662	116,346	106,879	124,172	107,155	139,699	120,866	122,105						
Performance Measure	Number of Total Judgements and Settlements	42,618	40,667	39,283	45,901	40,241	48,113	48,694	49,080						
Performance Measure	Number of Judgements in favor of the U.S. and Settlements	32,619	32,606	31,167	31,995	32,976	34,988	35,338	35,691						
OUTCOME Measure	Percentage of Cases Favorably Resolved	82.0%	82.0%	82.3%	81.6%	80.0%	80.0%	80.0%	80.0%						
N/A = Data unavailable															



3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

Prosecution of civil litigation is an essential and vital component of the mission of the United States Attorneys. Affirmative civil litigation seeks redress for fraud, waste, and abuse in federal programs and ensures that the government is fully compensated for the losses and damages caused by those who have enriched themselves at the government's expense. In addition, all lawsuits filed against the federal government must be defended. The United States Attorneys' successes in civil litigation preserve taxpayer dollars and uphold the requirements and intent of federal laws and programs. The performance measure for civil litigation relates to the percentage of judgments and settlements resolved in favor of the government.

b. Strategies to Accomplish Outcomes

As civil cases are increasingly "electronic" – meaning that technology plays a major role in areas such as electronic case filing and eDiscovery, the technological and resource needs of our civil cases continue to grow. In order to ensure the USAOs can prosecute cases in an efficient, cost-effective, and comprehensive manner, the United States Attorneys will further leverage technologically advanced tools and processes. These tools and processes allow prosecutors to manage, examine, and transfer large amounts of casework data, thereby improving efficiency and enhancing information flow organization-wide and with our partners.

While technology provides a means to increase productivity, the successful implementation of advanced technological solutions necessitates hiring employees with the appropriate skill sets and providing relevant technical training. The United States Attorneys will maximize existing resources by hiring qualified individuals who have the expertise necessary to consult with attorneys on technical issues and institute and follow defensible practices with respect to electronic data. To efficiently and effectively manage electronic data in their cases, AUSAs and support staff will be trained on eDiscovery issues, including but not limited to how to use existing and new technologies.

Other strategies include:

- Regular reviews and monitoring of case and workload data.
- Continue to look at operational efficiencies in order to preserve human capital.
- Continue to address emerging training needs through the Office of Legal Education.



C. Legal Education

Legal Education	Perm. Pos.	FTE	Amount
2016 Enacted	53	53	24,527,000
2017 Continuing Resolution	53	53	24,372,000
Adjustments to Base and Technical Adjustments	0	0	2,195,000
2018 Current Services	53	53	26,567,000
2018 Program Increase	0	0	0
2018 Request	53	53	26,567,000
Total Change 2017-2018	0	0	2,195,000

Legal Education Information Technology Breakout	Perm. Pos.	FTE	Amount
2016 Enacted	4	4	1,646,000
2017 President's Budget	4	4	1,670,000
Adjustments to Base and Technical Adjustments	0	0	25,000
2018 Current Services	4	4	1,695,000
2018 Request	4	4	1,695,000
Total Change 2017-2018	0	0	25,000

1. Program Description—Legal Education

The Office of Legal Education (OLE) develops, conducts, and authorizes the training of all federal legal personnel [28 C.F.R. §0.22 (1990)]. OLE coordinates legal education and attorney training for the Department of Justice and other departments and agencies of the Executive Branch. Virtually all of OLE's classroom training is conducted at the National Advocacy Center (NAC), a premier federal training facility in Columbia, South Carolina. The NAC features an integrated instructional and residential facility.

In FY 2016, OLE managed 194 courses and events at the NAC, as well as offsite locations, including traditional advocacy skills training, seminars on substantive areas of the law, leadership training, and automated litigation support training. In FY 2016, 25,326 individuals participated in training hosted by OLE, (12,764 attended live training through courses or other events and 12,562 individuals received training through one of OLE's distance education offerings).

For all of its programs, OLE uses experienced federal trial and appellate attorneys as instructors to present lectures, lead discussion groups, direct evidentiary exercises, and offer personalized critiques. Federal judges also participate in OLE's advocacy courses, presiding over mock trials and mock appellate arguments. The caliber of the OLE faculty and the use of sophisticated videotaping facilities provide students with unique training experiences in trial and appellate advocacy. A significant feature of the advocacy training is the use of "learn-by-doing" exercises which concentrate on courtroom skills. These exercises simulate courtroom activities and provide students with classroom critiques and individual video replay analysis.

In addition to its advocacy skills training, OLE provided training in areas covered in the Department's Strategic Plan, including Financial Fraud and Cybercrime, Crimes Against Children, Anti-Terrorism, Violent Crime/Gun Violence Reduction, Crimes in Indian Country, Drug Enforcement, Official Corruption, Bankruptcy and Sound Management. OLE also offered two Regional Domestic Terrorism Courses, and an Advanced Narcotics course focused on the Heroin and Opioid Crisis across the country.

In response to significant hiring of criminal AUSAs in the U.S. Attorneys' offices, OLE sponsored core curriculum residential training on the West Coast, including Basic Criminal Trial Advocacy, a combined Criminal Federal Practice and Discovery Boot Camp course, and a combined Introduction to Evidence and Grand Jury course. Additionally, OLE sponsored a Discovery Boot Camp and a Grand Jury course for DOJ attorneys in Washington, DC. The Criminal Training Team developed distance education content covering the core curriculum topics listed above, as well as specialty criminal practice topics such as Obtaining Electronic Evidence, Investigating and Prosecuting Overdose Cases, Corporate Prosecutions, and Securities Fraud. The Criminal Team collaborated with the Distance Education Team to live stream presentations from the Human Trafficking Seminar, and the Voter Protection and Election Crime Seminar. The team received positive feedback from the field following each event.



OLE develops and administers paralegal courses covering basic and advanced skills in civil, criminal, and appellate practice. Training for other support staff personnel (e.g., systems managers, Administrative Officers and Budget Officers) in USAOs is provided through OLE, which develops the curriculum and recruits instructors.


OLE provided training in areas covered in the Department's Strategic Plan, including Financial and Mortgage Fraud and Cybercrime, Crimes Against Children, Anti-Terrorism, Violent Crime/Gun Violence Reduction, Crimes in Indian Country, Drug Enforcement, Official Corruption, Bankruptcy and Sound Management. Of significance for FY 2016 was the Individual Accountability in Corporate Prosecutions Training and the National Reentry Training in support of the Attorney General's Smart on Crime initiative.



Recognizing the need to provide more distance learning opportunities, the Distance Education Team began live streaming presentations from classroom training at the NAC. Fifty-five presentations were live streamed in FY16, including a Legal Overview during the Human Trafficking Seminar and a Hatch Act presentation during the Voter Protection and Election Crimes Seminar. Live-streamed presentations from the Electronic Evidence course in May, the Economic Crime Training in June, and the eDiscovery training in August were accessed by a total of 711 viewers.

OLE continued to update and expand its Video on Demand (VOD) library, permitting USAO and DOJ litigating division employees to view OLE programming "on demand" at their desktop through OLE's Learning Management System, LearnDOJ. The Distance Education Team developed 135 new videos for uploading to LearnDOJ. There are currently more than 732 programs available, including programs on *Brady/Giglio*, *eDiscovery*, and a New Employee Orientation. In FY 2016, DOJ employees completed/viewed 105,513 videos in the VOD library, up from 74,245 videos completed in FY15.

OLE's Justice Television Network (JTN) is a satellite-based IP video network with over 260 locations, including 92 USAOs (Guam/Northern Marianas excluded). This delivery method via the desktop currently reaches all USAOs, all FBI Field and international offices, and most DOJ components, including major bureau headquarters in the DC metro area (approximately



60,000 DOJ employees). During its 25 hours of weekly broadcasts, JTN broadcasted 665 programs, including 28 programs eligible for Continuing Legal Education (CLE).

In FY 2016, OLE continued to provide additional web-based CLE through its contract with West Legal Ed Center, offering 24-hours a day access to more than 7,000 CLE programs from more than 50 leading CLE providers. During FY 2016, Department attorneys viewed 6,850 West Legal Ed programs, earning over 8,359 CLE credits, further expanding OLE's ability to provide needed training.

In an effort to improve accessibility to OLE's media content, the Distance Education Team presented a proposal to the Investment Review Board and succeeded in securing funding for a Video Hosting Platform solution. The team conducted market research and, working with the OCIO, drafted a Statement of Work to solicit proposals.

OLE's Publications Unit edited and published six editions of the United States Attorneys' Bulletin on a variety of topics, including firearms offenses, intellectual property crimes, cultural property law, cyber misbehavior, financial fraud, and the heroin epidemic, all of which are accessible on the DOJ Internet website. The Publications Unit continued to maintain and update USABook, an online legal resource available on the Department intranet that includes electronic versions of all OLE publications, forms including indictment and jury instructions for all circuits and many significant monographs and litigation manuals. In FY 2016, the USABook site received more than 730,000 page views, up from 650,000 page views in FY 2015.

OLE continued its tradition of providing training support to Department of Justice personnel assisting foreign prosecutors through the Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). In FY 2016, OLE staff supported or participated in international programs for Kenya, the Philippines, and Chile. OLE staff also worked with OPDAT to provide advice and assistance to the judicial and prosecutorial training centers in Bosnia and Herzegovina.

2. Performance and Resource Table

PERFORMANCE AND RESOURCES TABLE										
Decision Unit: Legal Education										
RESOURCES	Enacted		Actual		Projected		Changes		Requested (Total)	
	FY 2016	FY 2016	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018 Request	FY 2018 Request	FY 2018 Request	FY 2018 Request
	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
LEGAL EDUCATION	63	24,657	63	24,371	53	24,372	0	2,195	53	26,567
Reimbursable FTE and Costs (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	3	[5,133]	3	[5,133]	3	[5,633]	0	\$0	3	[5,633]
PERFORMANCE										
Performance Measure: Outcome		24,000		25,326		24,000				24,000

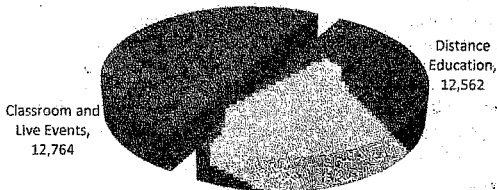


3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

The performance measure for this decision unit is the number of students trained. In FY 2016, OLE sponsored classroom training and other live events for 12,764 individuals. In addition, approximately 12,562 individuals were trained through one of OLE's distance education offerings, including continuing legal education programs broadcast via satellite, and other means, for a total of 25,326 students trained in FY 2016.

FY 2016 Individuals Trained



This compares with a total of 25,989 in FY 2015 - 13,444 individuals trained in-person and 12,545 individuals trained by satellite, videotape and other training.

b. Strategies to Accomplish Outcomes

The United States Attorneys will continue to ensure that high quality legal education is available for basic and advanced legal training through traditional classroom instruction and expanded use of JTN and distance learning.

V. Program Increases by Item

Item Name: Immigration Enforcement Prosecutors

Budget Decision Unit(s): Criminal and Civil Litigation

Program Increase: Positions 70 Attorney 70 FTE 43 Dollars \$7,169,000

Description of Item


The United States Attorneys' offices (USAOs) request **70 positions (70 attorneys) and \$7,169,000** to help secure the United States border, provide adequate personnel to support an increase in border law enforcement, and to enforce the current administration's policies and programs with a focus on immigration enforcement and border security. The resources requested will help ensure an adequate USAO presence to meet increased criminal and civil caseloads generated by additional law enforcement and investigative resources that focus on border security and immigration and assure aggressive enforcement of all immigration statutes, particularly those targeting:

- Transnational alien smuggling organizations;
- Individuals who after deportation attempt to re-enter or are located in the United States illegally;
- Document fraud related offenses, including visa fraud and immigration benefits fraud;
- Immigration fraud perpetrated by businesses, non-profits and individuals; and
- Assistance with interdiction of national security targets, counterterrorism initiatives, narcotics trafficking, human trafficking, and violent crime efforts impacting border security.

Civil resources are required to defend against:

- Challenges to enforcement of the Administration's immigration policies;
- Habeas petitions seeking release of criminal aliens;
- Mandamus actions that seek to accelerate the grant of immigration benefits to aliens who present a threat to national security;
- Bivens, Federal Tort Claims Act (FTCA) and employment actions arising from increased border security measures and personnel.

In addition, southwest border districts will require resources to address a significant increase in civil eminent domain litigation, and title and appraisal work arising from proposed border security improvements.



Maintaining secure borders is a core responsibility of the nation and necessary to protect citizens and those lawfully present within the United States. Additional resources will allow USAOs to keep pace with law enforcement efforts, prosecute those who exploit our nation's laws, and defend the United States immigration and border policies.

Criminal Attorneys:

Federal prosecution of border crime is an essential part of our nation's defense, and gaining operational control of our borders is essential to public safety and national security. The USAOs in border districts support federal law enforcement agencies that patrol 1,933 miles of our border with Mexico and 5,525 miles of our border with Canada. Immigration cases prosecuted on the Southwest Border encompassed 43.7 percent of the nation's total felony prosecutions in Fiscal Year (FY) 2016. Of these, 64,293 cases involved individuals charged with illegal entry and reentry into the United States. These prosecutions represented 93.5 percent of all illegal entry and reentry cases nationwide. In FY 2016, the Southwest Border districts prosecuted 80.2 percent of all immigration, 43.7 percent of non-OCEDTF narcotics, and 10.1 percent of all firearms cases. In addition, the Northern Border USAOs prosecuted 21,447 immigration cases, 2,269 of which were alien smuggling cases, and 149 terrorism cases. These statistics do not include the large ports of entry and cities in the interior that have a significant number of immigration prosecutions each year.

There is a direct link between immigration crimes and other types of crime within the United States, because individuals who seek to enter or remain in this country illegally engage in other crimes to disguise their immigration status. For example, a wide variety of frauds are committed to create or perpetuate false immigration documentation and facilitate marriage fraud. In addition, individuals who enter or remain in the United States illegally facilitate or support their illegal entry by the illegal transport of drugs, contraband, or human smuggling. Finally, illegal aliens are involved in other types of crimes, because they lack the skills and legal documentation to obtain well-paying jobs and education opportunities. As the President stated in his January 25, 2017 Executive Order *Border Security and Immigration Enforcement Improvements*:

Transnational criminal organizations operate sophisticated drug- and human-trafficking networks and smuggling operations on both sides of the southern border, contributing to a significant increase in violent crime and American deaths from dangerous drugs. Among those who illegally enter are those who seek to harm Americans through acts of terror or criminal conduct. Continued illegal immigration presents a clear and present danger to the interests of the United States. Federal immigration law both imposes the responsibility and provides the means for the Federal Government, in cooperation with border states, to secure the Nation's southern border. Although Federal immigration law provides a robust framework for Federal-State partnership in enforcing our immigration laws - and the Congress has authorized and provided appropriations to secure our borders - the Federal Government has failed to discharge this basic sovereign responsibility. The purpose of this order is to direct executive departments and agencies (agencies) to deploy all lawful means to secure the Nation's southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.



The President's recent Executive Orders also mandate that the Department of Homeland Security hire more agents to investigate immigration-related offenses, thereby increasing the number of matters which will be presented to USAOs for prosecution. The large number of cases in USAOs along the Southwest border have already stressed the resources available to those offices. The requested positions will provide attorneys to absorb these additional matters and build quality cases for successful prosecutions.

The requested positions will be dedicated to the prosecution of immigration cases, thereby expanding the ability of the USAOs to devote resources to investigations of larger transnational criminal networks and enhance strategic partnerships to investigate, arrest, and prosecute both transnational and United States based criminals along the Southwest Border. The additional prosecutorial positions are required to ensure coordination between the Department of Justice, the Department of Homeland Security, and intelligence agencies. Effective coordination improves the transfer of intelligence, the development of criminal investigations, and the quality of prosecutions, thereby adding security to the Southern boundary of the United States and ensuring the safety of our communities.


Civil Attorneys:

USAO Civil Divisions also play a critical role by defending civil legal actions challenging the Administration's immigration enforcement policies vital to our national security. In addition, USAOs defend civil immigration cases challenging detention, removal, and other immigration benefits, such as denial of naturalization, visas, passports, citizenship and other status adjustments commenced by criminal and other aliens who pose a threat to public safety and our national security.

Between FY 2015 -2016, the number of defensive immigration cases grew by over 33 percent. In 2017, the projected caseload will increase by an additional 17 percent. In the last five years, USAOs have experienced over a 66 percent increase in the civil immigration caseload. With an increase in the number of agents and the number of detention facilities, as well as aliens subject to expedited removal, the number of non-discretionary civil immigration and other related cases that USAOs are required to defend will continue to grow.

Civil AUSAs have the primary and non-discretionary duty to defend habeas petitions brought by immigration detainees who are in removal proceedings or subject to a final order of removal. Many of these aliens are subject to mandatory detention because they have committed aggravated felonies.

Because of the backlog of immigration cases, some districts have seen an increase in the number of mandamus actions seeking to accelerate the grant of immigration benefits. Some of these cases involve aliens who pose a threat to national security such that defending against their receipt of immigration benefits directly promotes the President's national security objectives. In addition, AUSAs defend cases brought by arriving aliens challenging denial of parole and challenges to denial of passport and visa applications.



An increase in the number of law enforcement officers and the expansion of detention facilities, particularly along the southwest border, will result in a corresponding rise in the number of *Bivens* claims. Federal law enforcement officers, including Customs and Border Protection agents, are frequently sued in their individual (personal) capacities for alleged constitutional violations (*Bivens* cases) as a result of actions taken during the course of their employment. In many instances, DOJ authorizes representation for these individual federal officers. Providing representation, however, does not guarantee indemnification of federal employees in the event they are found liable for a constitutional violation. Additional civil resources are required to defend federal law enforcement officers so that they can perform their duties to protect the public and advance national security without unnecessary fear of facing personal liability.

In addition, increased border security measures, including the addition of new immigration officers, border and customs agents, and construction associated with building a wall, fence, or implementing other security measures, will result in a corresponding rise in FTCA and employment discrimination litigation that Civil AUSAs will be required to defend. Examples of FTCA litigation include claims for guarantee indemnification of the allegedly tortious acts of agents in apprehending, questioning, or detaining individuals in detention centers or other federal facilities. Likewise, construction activities give rise to actions by contractors, their employees and other members of the public for injuries sustained on federal property. It should be noted that a surge in both *Bivens* claims against individual officers and FTCA claims against the United States are more likely to arise when there are new and inexperienced employees who may lack the skills, expertise and level of training possessed by experienced employees. Finally, an increase in the number of federal agents can, and in the past has, resulted in employment discrimination litigation that AUSAs are required to defend.

USAOs in the Southwest border districts have taken and will continue to take the lead, with assistance from Environment and Natural Resources Division's (ENRD) Land Acquisition Section, in litigating eminent domain cases that result from border security improvements. This work, undertaken with Congressional authority, involves the acquisition of land needed by the federal government for military readiness, border security, national parks, flood protection and the construction of federal buildings and infrastructure. Current staffing levels in the Southwest border districts are inadequate to meet the litigation challenges presented by a surge in border security measures.

Additional resources will better position the United States Attorneys with the necessary tools to assist in the achievement of the Administration's goals. The additional FTE requested for immigration enforcement and border security will be used to support multiple efforts to secure the nation's borders and aggressively enforce immigration laws across the United States.



**Immigration Enforcement Prosecutors
Funding**

Base Funding

FY 2016 Enacted				FY 2017 Continuing Resolution				FY 2018 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
1,348	738	1,348	170,986	1,348	738	1,348	170,986	1,342	731	1,342	178,659

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2018 Request (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)
Attorney	118.9	40	4,756	3,437	0
Attorney	85.9	20	1,718	2,378	0
Attorney	69.5	10	695	1,353	0
Total Personnel		70	7,169	7,168	0

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2018 Request (\$000)	FY 2019 Net Annualization (Change from 2018) (\$000)	FY 2020 Net Annualization (Change from 2019) (\$000)
N/A	N/A	N/A	N/A	0	0
Total Non-Personnel	N/A	N/A	N/A	0	0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2019 Net Annualization (Change from 2018) (\$000)	FY 2020 Net Annualization (Change from 2019) (\$000)
Current Services	1,342	731	1,342	178,659	0	178,659	0	0
Increases	70	70	43	7,169	0	7,169	7,168	0
Grand Total	1,412	801	1,385	185,828	0	185,828	7,168	0



Item Name: Violent Crime Prosecutors

Budget Decision Unit(s): Criminal Litigation

Program Increase: Positions 230 Attorney 230 FTE 85 Dollars \$18,782,000

Description of Item

The United States Attorneys request **230 positions (230 attorneys) and \$18,782,000** to enhance violent-crime and firearms prosecutions in high-crime districts and districts that have seen a recent precipitous increase in violent crime, and to target the worst criminal organizations and drug traffickers in order to address violent crime, gun-related deaths, and the opioid epidemic. This request will support the efforts to reduce violent crime and the opioid epidemic by providing additional prosecutorial resources to address these problems throughout our country.


These Assistant United States Attorney (AUSA) positions would increase the USAOs' capability to target priority trigger-pullers, street gangs, and violent drug traffickers; accept more high priority firearms cases for federal prosecution, which will ease prosecution burdens for local prosecutors; remove more quickly violent offenders from the streets and assure their appropriate punishment; and disrupt and dismantle violent street gangs and crews in jurisdictions that are suffering from elevated levels of violence.

Violent crime inflicts misery on its victims and in communities across the country. Through a unified and cohesive effort of federal, state and local law enforcement – backed by additional prosecution resources – individuals who inflict the greatest harm on our population can be taken off the streets, recent surges in violent crime can be reversed, and neighborhoods can become safer places.

Justification

Despite long-term trends showing violent crime at historically low levels, the last two years have seen alarming increases in violent crime in jurisdictions nationwide.

According to the FBI's latest Uniform Crime Reporting data, from 2014-15, the nation's violent-crime increased over 3 percent – the largest one-year national percentage increase since 1991. The murder rate increased by 10 percent – the largest one-year percentage increase since 1968. The FBI's preliminary semi-annual data for January – June 2016 show a 5.3 percent increase nationally for all violent crimes and a 5.2 percent increase nationally for homicides compared with the midyear level for 2015. The semi-annual data from 2015-16 also indicate significant increases for localities like Chicago, IL (23.9 percent increase for all violent crime; 48.8 percent increase for murders), Memphis, TN (72.5 percent increase for murders), and Louisville, KY (39.5 percent increase for murders).



Mindful of the recent spikes, the Attorney General (AG) has made combating violent crime an early priority of the new administration. In a memorandum to all federal prosecutors dated March 8, 2017, AG Sessions directed all USAOs to “partner with federal, state, local, and tribal law enforcement to identify the criminals responsible for significant violent crime in their districts. . . . [USAOs] must ensure that these drivers of violent crime are prosecuted, using the many tools at a prosecutor’s disposal.” AG Sessions asked all USAOs to coordinate with state and local prosecutors to determine the best venue for ensuring “an immediate and appropriate penalty for these violent offenders,” and called for USAOs to increase their coordination and prosecution efforts to ensure successful results. AG Sessions directed USAOs to consider all the statutory tools targeting violent criminals under federal law, including firearms statutes (18 U.S.C. §§ 922 and 924(c)), the Hobbs Act (18 U.S.C. § 1951), carjacking (18 U.S.C. § 2119), violent crime in aid of racketeering (18 U.S.C. § 1959), RICO (18 U.S.C. §§ 1961-68), and offenses under the Controlled Substances Act.

The AG has also recognized that in many cases, there is a strong connection between drug trafficking and violent crime. In recent remarks, the AG noted that we are “in the throes of a heroin and opioid epidemic” in which overdose deaths tripled between 2010-14, and that the Department has seen “an increase in the trafficking of new, low-cost heroin by Mexican drug cartels working with local street gangs.” “As the market for this heroin expands,” the AG added, “gangs fight for territory and new customers and neighborhoods are caught in the crossfire.”

To heed the AG’s call to better coordinate with local law enforcement, fully use all the federal statutory tools to combat violent drug traffickers and gangs, and increase their violent-crime prosecutions, USAOs in districts with jurisdictions facing the most serious recent spikes and those with sustained high levels of violence will need additional AUSAs to prosecute violent-crime cases.

Impact on Performance

Additional resources will better position the United States Attorneys with the necessary tools to assist in the achievement of the Department’s goals in responding directly to unacceptable increases in violent crime. The additional positions requested will be used to support increased violent-crime prosecution efforts.



**Violent Crime Prosecutors
Funding**

Base Funding

FY 2016 Enacted				FY 2017 Continuing Resolution				FY 2018 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
974	637	974	161,935	974	637	974	161,935	1,008	670	1,008	168,261

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2018 Request (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)
Attorney	118.9	50	5,944	4,296	0
Attorney	85.9	20	1,718	2,378	0
Attorney	69.5	160	11,120	21,653	0
Total Personnel		230	18,782	28,327	0

Non-Personnel Increase Cost Summary

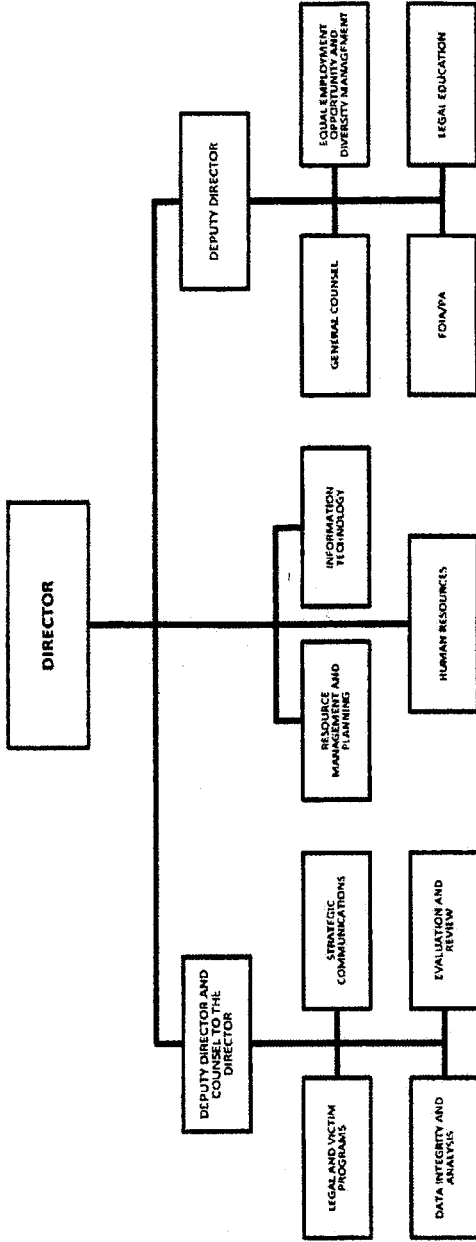
Non-Personnel Item	Unit Cost	Quantity	FY 2018 Request (\$000)	FY 2019 Net Annualization (Change from 2018) (\$000)	FY 2020 Net Annualization (Change from 2019) (\$000)
N/A	N/A	N/A	N/A	0	0
Total Non-Personnel	N/A	N/A	N/A	0	0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2019 Net Annualization (Change from 2018) (\$000)	FY 2020 Net Annualization (Change from 2019) (\$000)
Current Services	1,008	670	1,008	168,261	0	168,261	0	0
Increases Grand Total	230	230	85	18,782	0	18,782	28,327	0
Total	1,238	900	1,093	187,043	0	187,043	28,327	0

A: Organizational Chart

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS



Approved by: 
 ERIC P. HOLDER, JR.
 Attorney General

Date: 9/16/14

The Principal or ranking Deputy is determined via an internal written designation by the Attorney General.

B. Summary of Requirements
Summary of Requirements
U.S. Attorneys
Salaries and Expenses
(Dollars in Thousands)

	FY 2018 Request	
	Positions	Estimate FTE Amount
2016 Enacted ^{1/}	10,731	9,689 2,000,000
Total 2016 Enacted	10,731	9,689 2,000,000
2017 Continuing Resolution	10,731	10,016 2,000,000
2017 Rescission - 0.1901%	0	0 -3,802
Total 2017 Continuing Resolution	10,731	10,016 1,996,198
Base Adjustments		
Pay and Benefits	0	0 36,679
Domestic Rent and Facilities	0	0 -1,576
Total Base Adjustments	0	0 35,103
Total Technical and Base Adjustments	0	0 35,103
2018 Current Services	10,731	10,016 2,031,301
Program Changes		
Increases:		
Immigration Enforcement Prosecutors	70	43 7,169
Violent Crime Prosecutors	230	85 18,782
Subtotal, Increases	300	128 25,951
Total Program Changes	300	128 25,951
2018 Total Request	11,031	10,144 2,057,252
2017 - 2018 Total Change	300	128 61,054

^{1/} FY 2016 FTE is actual

Summary of Requirements
 U.S. Attorneys
 Salaries and Expenses
 (Dollars in Thousands)

B. Summary of Requirements

Program Activity	FY 2016 Enacted			FY 2017 Continuing Resolution			FY 2018 Technical and Base Adjustments			FY 2018 Current Services		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Criminal Litigation	8,176	7,623	1,485,996	8,176	7,623	1,478,870	0	0	24,854	8,176	7,623	1,503,724
Civil Litigation	2,502	2,340	489,477	2,502	2,340	492,856	0	0	8,054	2,502	2,340	501,010
Legal Education	53	53	24,527	53	53	24,372	0	0	2,195	53	53	26,567
Total Direct	10,731	10,016	2,009,000	10,731	10,016	1,996,198	0	0	35,103	10,731	10,016	2,031,301
Balance Rescission			0			0			0			0
Total Direct with Rescission			2,009,000			1,996,198			35,103			2,031,301
Reimbursable FTE		1,695			1,695			0			1,695	
Total Direct and Reimb. FTE		11,711			11,711			0			11,711	
Grand Total, FTE		11,711			11,711			0			11,711	

Program Activity	2018 Increases			2018 Offsets			2018 Request		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Criminal Litigation	280	118	23,573	0	0	0	8,456	7,741	1,527,297
Civil Litigation	20	10	2,378	0	0	0	2,522	2,350	503,388
Legal Education	0	0	0	0	0	0	53	53	26,567
Total Direct	300	128	25,951	0	0	0	11,031	10,144	2,057,252
Balance Rescission			0			0			0
Total Direct with Rescission			25,951			0			2,057,252
Reimbursable FTE		128			0			1,695	
Total Direct and Reimb. FTE		128			0			11,839	
Grand Total, FTE		128			0			11,839	

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

U.S. Attorneys
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate	Amount
Pay and Benefits			
1 2018 Pay Raise - 1.9% 2018 Pay Raise: This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount requested, \$18,576,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$14,291,000 for pay and \$4,285,000 for benefits.)	0	FTE	18,576
2 Administratively Determined Pay Plan - USA Administratively Determined Pay Plan - USA: This request provides for an expected annual pay adjustment of administratively determined salaries for the Assistant United States Attorneys occupying ungraded positions in the United States Attorneys offices (\$7,782,000 for pay and \$2,334,000 for benefits, totaling \$10,116,000)	0	0	10,116
3 Annualization of 2016 Approved Positions Annualization of 2016 Approved Positions: This provides for the 3rd year annualization of 15 new Cybercrime positions appropriated in 2016. Annualization of new positions extends up to 2 years to provide entry level funding in the first year, with a 1 or 2-year progression to a journeyman level. For 2018 increases, this request includes an increase of \$250,000 for full-year payroll costs associated with these additional positions.	0	0	250
4 Annualization of 2017 Pay Raise - 2.88% Annualization of 2017 Pay Raise: This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88 percent included in the 2017 Appropriation. The amount requested \$9,315,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$7,166,000 for pay and \$2,149,000 for benefits).	0	0	9,315
5 Attrition and/or Administrative Savings Attrition and/or Administrative Savings: To return the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	0	0	-8,438
6 Employees Compensation Fund Employees Compensation Fund: The \$24,000 adjustment reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.	0	0	24
7 Health Insurance	0	0	5,534

E. Jus' ns for Technical and Base Adjustments
Justifications for Technical and Base Adjustments
 U.S. Attorneys
 Salaries and Expenses
 (Dollars in Thousands)

		Positions	Estimate	Amount
			FTE	
	Health Insurance: Effective January 2018, the component's contribution to Federal employees' health insurance increases by 7.7 percent. Applied against the 2016 estimate, the additional amount required is \$5,534,000.			
8	Retirement Retirement: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$1,302,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	1,302
	Subtotal, Pay and Benefits	0	0	36,679
	Domestic Rent and Facilities			
1	GSA Rent 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 \$933,000 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 FY 2018 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.	0	0	933
2	Guard Service Guard Service: This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$1,742,000 is required to meet these commitments.	0	0	1,742
3	Moves - Non-Recur GSA requires all agencies to pay relocation costs associated with lease expirations. This is the non-recurrence of the move costs associated with new office relocations provided in the FY 2017 President's Budget.	0	0	-4,251
	Subtotal, Domestic Rent and Facilities	0	0	-1,576
	TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	0	0	35,103

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability

U.S. Attorneys
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover		Recoveries/Refunds			FY 2016 Availability		
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Refunds Amount	Positions	Actual FTE	Amount	Actual FTE	Amount
Criminal Litigator	8,176	7,373	1,485,986	0	0	23,962	6,381	1,685	0	8,176	7,373	1,518,024		
Civil Litigator	2,502	2,263	489,477	0	0	0	0	0	0	2,502	2,263	489,477		
Legal Education	53	53	24,527	0	0	0	0	0	0	53	53	24,527		
Total Direct	10,731	9,689	2,000,000	0	0	23,962	6,381	1,685	0	10,731	9,689	2,032,028		
Balance Rescission			0			0	0	0	0			0		
Total Direct with Rescission			2,000,000			23,962	6,381	1,685				2,032,028		
Reimbursable FTE		1,455									1,455			
Total Direct and Reimb. FTE		11,144									11,144			
Other FTE:														
LEAP FTE		0			0						0			
Overtime		0			0						0			
Grand Total, FTE		11,144			0						11,144			

Reprogramming/Transfers:

In FY 2016, \$23,962 is the amount that was transferred from the ONDCP HIDTA to United States Attorneys.

Carryover:

The United States Attorneys carried a Direct Unobligated balance of \$6,381 into FY 2016. The amount came from these sources:
(1) \$5,939 is from the No-Year Salaries and Expenses account; and (2) \$442 is the remaining balance from the ONDCP HIDTA.

Recoveries/Refunds:

Recoveries of prior year unpaid obligations in the amount of \$1,685 was received in FY 2016.

G. Cior 4/2017 Availability

Crosswalk of Availability
U.S. Attorneys
Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing			Reprogramming/Transfers			Carryover	Recoveries/ Refunds	FY 2017 Availability		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount			Positions	Est. FTE	Amount
Criminal Litigator	8,176	7,623	1,478,870	0	0	830	24,584	0	8,176	7,623	1,504,284
Civil Litigator	2,502	2,340	492,958	0	0	0	0	0	2,502	2,340	492,958
Legal Education	53	53	24,372	0	0	0	0	0	53	53	24,372
Total Direct	10,731	10,016	1,996,198	0	0	830	24,584	0	10,731	10,016	2,021,612
Balance Rescission			0			0	0	0			0
Total Direct with Rescission			1,996,198			830	24,584	0			2,021,612
Reimbursable FTE		1,695				0				1,695	
Total Direct and Reimb. FTE		11,711				0				11,711	
Other FTE:											
LEAP FTE		0				0				0	
Overtime		0				0				0	
Grand Total, FTE		11,711				0				11,711	

Reprogramming/Transfers:
 In FY 2017, \$830 is the anticipated amount that will be transferred from the ONDCP, HIDTA to United States Attorneys.

Carryover:
 The United States Attorneys carried a Direct Unobligated balance of \$24,584 into FY 2017. The amount came from these sources:
 (1) \$13,353 is from the NG-Year Salaries and Expenses account; and (2) \$11,231 from the 16/17 Multi-Year account.

Recoveries/Refunds:

Summary of Reimbursable Resources
 U.S. Attorneys
 Salaries and Expenses
 (Dollars in Thousands)

H. Summary of Reimbursable Resources

Collections by Source	2016 Actual		2017 Estimate		2018 Request		Increase/Decrease	
	Reimb. Pos.	Amount	Reimb. Pos.	Amount	Reimb. Pos.	Amount	Reimb. Pos.	Amount
3% Funded HCF-Civil Cases	0	897	0	2,000	0	2,000	0	0
Office of Victims of Crimes (VNS)	0	0	202	40,680	202	197	40,680	0
3% Funded HCF-Pharmaceutical Fraud	13	2,590	13	2,678	13	2,678	0	0
Asset Forfeiture Fund - Management Staff	53	60,435	53	64,516	53	64,516	0	0
Bureau of Alcohol, Tobacco, Firearms and Explosives	0	49	0	0	0	0	0	0
Centers for Disease Control	0	121	0	217	0	217	0	0
Civil Division	0	570	0	1,392	0	1,392	0	0
Civil Rights Division	0	0	0	255	0	255	0	0
CMS/MISO Medicaid Integrity Group	4	1,668	4	4,020	4	4,020	0	0
Criminal Division	0	637	0	254	0	254	0	0
Debt Collection 3% Fund-Enhancements	0	0	69	42,313	69	42,313	0	0
Debt Collection 3% Fund- Personnel/Special Projects	153	27,957	153	30,741	153	30,741	0	0
Department of Homeland Security - Border Fence	1	136	1	1,175	1	1,175	0	0
Department of Interior	0	301	0	145	0	145	0	0
Drug Enforcement Agency	0	0	0	234	0	234	0	0
Environment and Natural Resource Division	0	15	0	67	0	67	0	0
Executive Office for OCE/IF (AFF, Strike Force, FAC)	0	592	0	1,437	0	1,437	0	0
Federal Bureau of Investigator	0	439	0	604	0	604	0	0
Federal Prison System	0	17	0	0	0	0	0	0
Health Care Fraud and Abuse Control (Discretionary Funding)	67	8,074	0	0	0	0	0	0
Health Care Fraud and Abuse Control (Mandatory Funding)	177	6,516	0	0	0	0	0	0
Justice Management Division	0	231	0	952	0	952	0	0
National Security Division	0	698	0	952	0	952	0	0
Office of Attorney Recruitment/Management	0	171	0	171	0	171	0	0
Office of Victims of Crimes	182	23,413	0	0	0	0	0	0
Organized Crime Drug Enforcement	0	0	1,027	154,313	1,027	975	154,313	0
Other Misc. Enacted Agreements	0	1,957	0	29,138	0	29,138	0	0
Other Workyears Provided	0	0	247	241	247	241	0	0
U.S. Trustees	0	188	0	231	0	231	0	0
U.S. Marshall Service	0	0	0	496	0	496	0	0

Detail of Permanent Positions by Category
 United States Attorneys
 Salaries and Expenses
 (Dollars in Thousands)

I. Detail of Permanent Positions by Category

Category	2016 Enacted		2017 Continuing Resolution		2018 Request			
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Total Direct Pos.	Total Reimb. Pos.
Miscellaneous Operations (010-099)	3	0	3	0	0	0	3	0
Security Specialists (080)	35	5	34	5	0	0	34	5
Intelligence Series (132)	62	0	62	1	0	0	62	1
Social Sciences (100-199)	8	18	4	19	0	0	4	19
Personnel Management (200-299)	213	1	236	1	0	0	236	1
Clerical and Office Services (300-399)	1,405	289	1,405	289	0	0	1,405	289
Accounting and Budget (500-599)	290	67	290	51	0	0	290	51
Attorneys (905)	5,518	775	5,518	890	0	300	5,818	890
Paralegals (960)	979	179	979	182	0	0	979	182
Other Law (900-998)	1,823	388	1,575	259	0	0	1,575	259
Information & Arts (1000-1099)	47	0	49	0	0	0	49	0
Business & Industry (1100-1199)	46	6	42	8	0	0	42	8
Library (1400-1499)	12	0	7	0	0	0	7	0
Training (1700-1799)	0	0	22	7	0	0	22	7
General Investigative Series (1801-1810)	63	51	63	51	0	0	63	51
Criminal Investigative Series (1811)	38	6	38	6	0	0	38	6
Supply Services (2000-2099)	7	0	7	7	0	0	7	7
Information Technology Mgmt. (2210)	384	6	399	7	0	0	399	7
Total	10,731	1,769	10,731	1,769	0	300	11,031	1,769
Headquarters (Washington, D.C.)	356	10	356	10	0	0	356	10
U.S. Field	10,375	1,759	10,375	1,759	0	300	10,675	1,759
Foreign Field	0	0	0	0	0	0	0	0
Total	10,731	1,769	10,731	1,769	0	300	11,031	1,769

Note: The Total Reimbursable columns reflect USA's authorized reimbursable position totals.

J. Finanr
yses of Program Changes

Financial Analysis of Program Changes

U.S. Attorneys
Salaries and Expenses
(dollars in thousands)

	Grades		Criminal Litigation		Civil Litigation		Total Program Changes	
	Program Increases Positions	Amount	Program Increases Positions	Amount	Program Increases Positions	Amount		
Ungraded	280	35,248	0	0	300	37,766		
Lease (-)	-192	-22,974	-10	-1,259	-172	-24,233		
11.5 - Other personnel compensatio	118	12,274	0	0	128	13,533		
12.1 - Civilian personnel benefit		4,092		473		4,565		
21.0 - Travel and transportation of person		993		61		954		
22.0 - Transportation of thing		31		3		34		
23.3 - Communications, utilities, and miscellaneous charge		391		40		431		
24.0 - Printing and reproduction		18		2		20		
25.2 - Other services from non-federal source		1,068		171		1,359		
25.3 - Other goods and services from federal source		1,834		132		1,966		
26.0 - Supplies and material		124		13		137		
31.0 - Equipment		3,028		284		3,312		
Total Program Change Requests	118	23,573	10	2,378	128	25,951		

K. Summary of Requirements by Object Class
U.S. Attorneys

Salaries and Expenses
(Dollars in Thousands)

Object Class	FY 2016 Actual		FY 2017 Continuing		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Resolution Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	8,976	938,015	9,269	939,991	9,418	975,768	149	35,777
11.3 - Other than full-time permanent	713	74,502	747	75,758	726	75,254	-21	-504
11.5 - Other personnel compensation	0	13,190	0	12,883	0	12,883	0	0
Overtime	0	0	0	0	0	0	0	0
Other Compensation	0	0	0	0	0	0	0	0
11.8 - Special personal services payment:	0	1,063	0	648	0	648	0	0
Total	9,689	1,026,770	10,016	1,029,280	10,144	1,064,553	128	35,273
Other Object Classes								
12.1 - Civilian personnel benefit		340,529		335,356		355,734		20,378
13.0 - Benefits for former personnel		221		222		222		0
21.0 - Travel and transportation of persons		25,837		25,738		26,011		273
22.0 - Transportation of things		2,926		2,928		2,943		15
23.1 - Rental payments to GSA		257,090		264,017		264,950		933
23.2 - Rental payments to others		4,980		5,087		846		-4,251
23.3 - Communications, utilities, and miscellaneous charge:		28,649		28,193		28,373		180
24.0 - Printing and reproduction		1,836		1,775		1,783		8
25.1 - Advisory and assistance service		42,166		37,416		37,416		0
25.2 - Other services from non-federal sources		187,340		190,960		171,684		-19,276
25.3 - Other goods and services from federal sources		40,672		43,842		44,613		771
25.4 - Operation and maintenance of facilities		3,527		3,611		3,611		0
25.6 - Medical care		677		551		531		0
25.7 - Operation and maintenance of equipment		11,073		11,706		11,706		0
26.0 - Supplies and materials		11,680		11,181		11,238		57
31.0 - Equipment		36,320		31,317		32,596		1,279
32.0 - Land and structures		7,821		7,820		7,820		0
41.0 - Grants, subsidies, and contributions		1,914		0		0		0
42.0 - Insurance claims and indemnities		0		622		622		0
Net of:		2,032,028		2,021,612		2,057,252		35,640
Unobligated Balance, Start-of-Year		-6,381		-24,584		0		24,584
Transfers/Reprogramming		-80,648		-830		0		830
Recoveries/Refunds		-1,685		0		0		0
Balance Rescission		0		0		0		0
Unobligated End-of-Year, Available		24,689		0		0		0
Unobligated End-of-Year, Expired		11,987		0		0		0
Total Direct Requirements		2,000,000		1,996,198		2,057,252		57,052
Reimbursable FTE	1,455			1,656				0
Full-Time Permanent				1,656		1,655		0
Exhibit K - Summary of FY 2016 Actual								

U.S. Department of Justice

United States Trustee Program



FY 2018 Performance Budget
Congressional Submission

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United States Trustee Program

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United States Trustee Program

I. Overview for the United States Trustee Program

A. Introduction

The United States Trustee Program (USTP or Program) is a litigating component of the Department of Justice (DOJ) whose mission is to promote the integrity and efficiency of the nation's bankruptcy system for the benefit of all stakeholders – debtors, creditors, and the public.

The nation's consumer bankruptcy laws are premised on the notion that honest but unfortunate debtors should be able to receive a fresh start and return to becoming economically productive members of society; and business debtors should be provided a breathing spell to reorganize their debts and operations to become profitable, job-creating enterprises.

To meet its mission, the USTP requests \$225,479,000, which supports 1,028 positions (360 attorneys) and 1,028 full time equivalent employees (FTEs) for FY 2018. This request funds only the most mission critical personnel and operational needs, statutory case administration and oversight, and investigation into cases of fraud and abuse committed by debtors, creditors and other parties in the bankruptcy system – areas that continue to grow in terms of case complexity and associated litigation and enforcement activities.

In FY 2018, the USTP proposes to adjust quarterly fees for the largest chapter 11 debtors. With the enactment of the proposal, the USTP's FY 2018 budget request is anticipated to be fully offset by bankruptcy fees collected and on deposit in the United States Trustee System Fund.¹

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet at <http://www.justice.gov/02organizations/bpp.htm>.

B. Responsibilities and Priorities

The Program continues to steadfastly carry out core statutory responsibilities of policing fraud and abuse and ensuring that private trustees effectively administer estate assets. As the watchdog of the bankruptcy system, the USTP employs a broad range of enforcement and oversight activities to ensure the system functions fairly and efficiently for all stakeholders. Notably, the USTP has demonstrated great agility and responsiveness in taking action against debtor abuse; protecting consumer debtors from fraud and abuse; ensuring bankruptcy law is

¹ The Program's FY 2018 revenue estimate with a fee increase assumes that the proposed fee adjustment is effective October 1, 2017.

uniform in all judicial districts; and maintaining a bankruptcy system that functions fairly and efficiently.

1. Civil Enforcement Activities

The Program takes civil actions to enforce the Bankruptcy Code and to combat bankruptcy fraud and abuse. Although most actions are taken to address debtor violations, the USTP takes a balanced approach to remedy wrongdoing by creditors and other parties who exploit debtors. During FY 2016, USTP offices reported taking more than 31,000 formal and informal civil enforcement actions, including those not requiring formal resolution by a court, with a potential monetary impact of nearly \$1 billion. Since the Program began tracking its civil enforcement and related actions in 2003, it has taken more than 717,000 actions with a monetary impact in excess of \$17.3 billion.

Debtor Abuse

The Program administers the statutory “means test” of consumer debtors. The USTP determines if a debtor is “presumed abusive” under the statutory formula and files either a motion to dismiss the case or a statement explaining why a motion to dismiss is not appropriate. The USTP also moves to dismiss cases for other improper debtor actions, such as extravagant purchases on the eve of bankruptcy, and files complaints to deny discharge for more serious offenses, such as concealment of assets.

Creditor Abuse

Since FY 2007, as part of its consumer protection duties, the Program has undertaken a coordinated and sustained national effort to address abusive creditor activity against individual debtors, who often are least able to defend themselves from unscrupulous, improper, or fraudulent conduct committed against them by creditors and other third parties.

Increasingly, the USTP has leveraged its resources to protect consumers through targeted litigation or informal enforcement actions resulting in national and multi-jurisdictional settlements. Some are bankruptcy-specific settlements solely between the USTP and the creditor, while others address both bankruptcy and non-bankruptcy conduct and involve multiple federal and state entities such as the Department of Housing and Urban Development, the Consumer Financial Protection Bureau, and state attorney generals.

For example, in February 2016, the Program’s coordinated approach helped bring about the settlement that the Department of Justice and its federal and state partners reached with HSBC Bank.² The USTP is a signatory to the \$470 million agreement, which resolved a panoply of mortgage loan origination and servicing claims, including violations of bankruptcy law that deprived distressed homeowners of rights as they sought to save their homes in chapter 13.

² The USTP’s press release is available at <https://www.justice.gov/opa/pr/justice-department-reaches-470-million-joint-state-federal-settlement-hsbc-address-mortgage>.

United States Trustee Program

In 2015, the USTP obtained monetary relief of more than \$130 million for non-compliance by mortgage servicers Wells Fargo Bank N.A. (Wells Fargo) and JPMorgan Chase Bank, N.A. (Chase). Wells Fargo acknowledged its failure to provide more than 100,000 legally required notices to homeowners who are or were in bankruptcy, thereby denying their opportunity to challenge the accuracy of mortgage payment increases. The settlement with Chase addressed issues uncovered by the USTP involving the robo-signing of payment change notices filed in bankruptcy court, as well as Chase's failure to timely and accurately provide payment change notices and escrow statements to more than 25,000 customers in bankruptcy. In both settlements, the banks agreed to also change internal operations and submit to oversight by an independent compliance reviewer.

Since 2008, the USTP has entered into 12 national settlements, nine of which involved abusive conduct by creditors. The USTP generally obtains three key results in its consumer protection settlements:

- remediation of past practices;
- prevention of recurrence; and
- independent verification of compliance.

Even as the USTP continues to investigate violations within the mortgage arena, it also has launched investigations into the conduct of creditors who engage in the buying and selling of unsecured consumer claims. Systemic violations ranging from the robo-signing of court documents, the collection of discharged debt, and abuse of process through filing high volumes of stale debt claims are among the matters being reviewed, and some of these matters are in the latter stages of investigation.

Debtor Attorney Enforcement

The Program also has focused its national and local enforcement objectives to address a growing concern regarding unscrupulous or underperforming consumer practitioners, including national and Internet-based law firms that violate bankruptcy practice requirements. Debtors, creditors, and the court systems are all victims of improper, fraudulent, or abusive practices by those who represent debtors in bankruptcy courts. Historically, the Program has taken more than 15,000 formal actions and made more than 30,000 inquiries relating to debtors' attorneys and non-attorney petition preparers. It also has made more than 300 referrals to state bars, and over 300 disciplinary actions have been issued. The net result of these actions has been approximately \$24 million in fines imposed, \$52 million in fees disgorged or recovered, and \$3.5 million in sanctions imposed. The Program has recently seen a surge of misconduct by unscrupulous or underperforming consumer practitioners that often results in attorney misconduct actions by the USTP. Past enforcement activities suggest that increased efforts in combating these issues will likely deter similar conduct and require fewer actions in subsequent years.

United States Trustee Program

2. Oversight and Criminal Enforcement Activities

By statute, the Program has standing to participate in each of the 700,000 to more than 1.5 million bankruptcy cases filed annually within its jurisdiction. These activities include:

- Supervising private trustees who administer chapters 7, 12, and 13 bankruptcy cases and who distribute about \$10 billion in assets each year. This duty involves reviewing around 100,000 case reports annually for accuracy and compliance with law, reviewing hundreds of trustee operations, and performing other trustee oversight and auditing functions.
- Providing oversight of chapter 11 cases by taking actions that range from objecting to excessive and unreasonable professional fees and improper management bonuses, to reviewing debtors' disclosure statements and proposed plans of reorganization, to seeking dismissal of cases where there is little likelihood of reorganization or the debtor fails to exercise its fiduciary obligations.

Identifying and referring cases of potential criminal wrongdoing to law enforcement, training law enforcement who investigate bankruptcy crimes, and assisting the U.S. Attorneys in the prosecution of cases through Program attorneys who are cross-designated as Special Assistant U.S. Attorneys. During FY 2016, the USTP presented more than 100 bankruptcy and bankruptcy-related fraud training programs that reached approximately 3,900 federal, state, and local law enforcement personnel, Program employees, private bankruptcy trustees, and members of the bar and other professional associations throughout the country.

- Approving and monitoring approximately 120 credit counseling agencies and 200 debtor education providers that offer statutorily required services to individual debtors.

3. Shaping Bankruptcy Law

One of the most important roles the Program plays in the bankruptcy system is to identify and raise issues for review on appeal, thereby ensuring that the law is shaped, interpreted, and applied evenly in all judicial districts. The USTP identifies important emerging issues, develops uniform legal positions, and advocates them as a party and as *amicus curiae*.³ The USTP has handled a significant number of appellate matters in recent years, many of which may have a profound and long-standing effect on the bankruptcy system. In FY 2016, the Program participated in 99 appellate matters beyond the bankruptcy court, including two dozen matters at the United States court of appeals level.

The USTP also works to shape the bankruptcy law by engaging in outreach and training to address significant priorities that range from local to international. The USTP's field offices are actively involved in their local bankruptcy communities and regularly engage with bankruptcy

³ When the USTP acts as *amicus curiae*, it is not a party to the case, but is permitted by the court to provide information, such as a legal opinion, testimony or a brief, that directly affects the case.

United States Trustee Program

judges, private trustees appointed by the U.S. Trustees, and bankruptcy practitioners, as well as national groups that represent these stakeholders, to address issues of mutual concern. Further, the Program participates as a liaison on the Judicial Conference of the United States' Advisory Committee on Rules of Bankruptcy Procedure. The USTP also serves as the United States' representative with the International Association of Insolvency Regulators (IAIR), an organization that brings together the collective experiences and expertise of government insolvency regulators from jurisdictions around the world. A senior representative from the USTP participates at IAIR's annual meeting and, last year, spoke on a panel addressing on the issue of achieving the right balance between debtor and creditor protection.

Further, it is the USTP that frequently must act alone to vindicate the congressional mandates of the Bankruptcy Code. The USTP's actions in policing professional fees are a perfect example of this role. The USTP promulgated new guidelines in late 2013 for attorneys in large chapter 11 cases, which were designed to reflect significant changes in the legal industry and the complexity of business bankruptcy reorganization cases, as well as to enhance transparency and public confidence in the integrity and soundness of the bankruptcy compensation process. Counsel have by and large agreed to abide by the guidelines. Large firms have improved internal billing practices and processes. Firms are also providing greater discounts and taking cost-cutting measures that previously had rarely been provided in large bankruptcy cases. The General Accountability Office issued a report in September 2015 after reviewing the updated guidelines, and did not recommend any changes in the guidelines or USTP enforcement policy.

For more information on Program activities, see the Annual Report of Significant Accomplishments at http://www.justice.gov/ust/eo/public_affairs/annualreport/index.htm.

C. Program History and Structure

The USTP is a national program with broad administrative, regulatory, and litigation responsibilities under the Bankruptcy Code (title 11) and title 28 of the United States Code. The Program was established by the Bankruptcy Reform Act of 1978 (11 U.S.C. § 101, *et seq.*) as a pilot effort encompassing 18 judicial districts. Through the enactment of the Bankruptcy Judges, U.S. Trustees, and Family Farmer Bankruptcy Act of 1986, the Program expanded to 21 regions nationwide, covering all Federal judicial districts except those in Alabama and North Carolina. The Program has a headquarters office in Washington, D.C., led by a Director; 21 regions managed by U.S. Trustees; and 92 field office locations in 46 states supervised by Assistant U.S. Trustees.⁴ In FY 2016, the Program had 1,088 FTEs, consisting of attorneys, financial analysts, paralegals, and support staff. More than 90 percent of the Program's employees are located in its field offices.

⁴ Over FY 2014 to FY 2016, the Program completed three consolidations of offices (Brooklyn with Manhattan, Woodland Hills with Los Angeles, and Oakland with San Francisco).



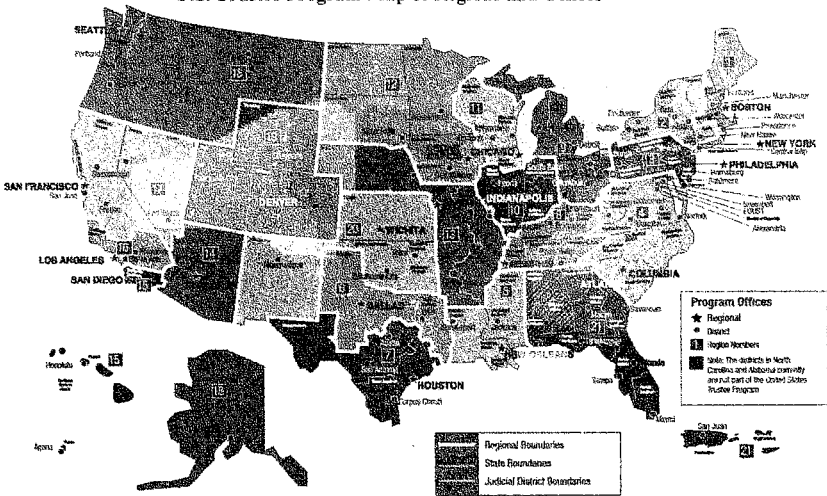
1. Executive Office for United States Trustees

The Executive Office for U.S. Trustees (EOUST) oversees the Program by providing leadership, central policy and management direction, and administrative and information technology support to its field offices. The Office of the Director directly supervises the U.S. Trustees and the operations of the EOUST and has primary responsibility for liaison with the Department, Congress, the judiciary, private trustee organizations, and other stakeholders in the bankruptcy system (e.g., professional associations). The EOUST includes the Office of the General Counsel, the Office of Oversight, the Office of Criminal Enforcement, the Office of Planning and Evaluation, the Office of Administration, and the Office of Information Technology.

2. USTP Field Offices

USTP field offices oversee bankruptcy case administration by supervising the private trustees who administer consumer bankruptcy estates under chapters 7, 12, and 13 of the Bankruptcy Code; litigating civil enforcement actions; ensuring that chapter 11 cases proceed toward rehabilitation, conversion, or dismissal; and carrying out other core responsibilities (e.g., administering the statutory means test).

U.S. Trustee Program Map of Regions and Offices



United States Trustee Program

D. Challenges

The United States Trustee Program, like other federal organizations, faces several external and internal challenges.

1. Maintaining Funding and Staffing to Support Operations

The largest immediate challenge facing the USTP is its ability to maintain the high level of enforcement activities, oversight and bankruptcy services for all stakeholders in a challenging budget environment. Over the last 12 years, the Program has successfully carried out substantial new duties it assumed under the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA), greatly expanded its national consumer protection initiatives (including investigating mortgage servicer misconduct), and undertaken more complex litigation that has yielded billions of dollars in settlements. Despite this workload expansion, full funding for adjustments-to-base (ATBs) has not been consistently appropriated. More recently, the Program's funding essentially has been flat-lined since FY 2015.

The USTP's funding history and various hiring challenges have impacted the Program's ability to maintain staffing levels. From FY 2010 through FY 2016, the workforce declined by 175 FTEs, which is a 14 percent decrease. Current staffing has fallen below pre-BAPCPA levels, even though a 2005 Congressional Budget Office Cost Estimate Report indicated that at least 220 additional staff positions were needed for BAPCPA implementation.⁵ To minimize the impact of lower staffing levels, the Program has adopted innovative work flows and methodologies to leverage resources regionally and nationally; the use of personnel detail assignments; and other efficiency measures.

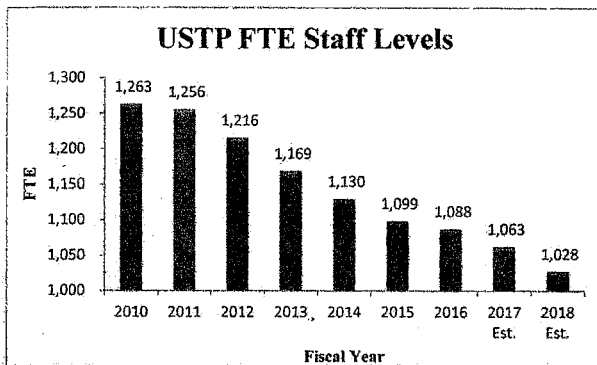
Over FY 2017 and FY 2018, as a result of not receiving full inflationary ATB increases, the USTP will need to further reduce staffing by an additional 60 FTEs. To focus on mission priorities, the Program will strategically backfill only a limited number of critical positions.

The Program is authorized by law to contract with independent firms to conduct debtor audits, which assist the USTP in determining the accuracy, veracity, and completeness of petitions, schedules, and other information required to be provided by debtors under sections 521 and 1322 of title 11. The USTP intends to use available carryover to fund debtor audits at a reduced rate for a portion of FY 2017 and in FY 2018.

⁵ The Congressional Budget Office Cost Estimate Report is available at <https://www.cbo.gov/publication/16466>.

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The following chart reflects actual and projected operational USTP staffing levels in FTEs for FY 2010 through FY 2018.⁶



2. Offsetting Collections and the U.S. Trustee System Fund

From 1989 through FY 2016, the Program's appropriation was fully offset by bankruptcy fees paid primarily by those who use the bankruptcy system. Two categories of fees generate nearly all of the revenue for the Fund. The first category is the filing fee paid at the commencement of each case in chapters 7, 11, 12, and 13,⁷ and the second category is the quarterly fee paid by chapter 11 debtors. All fees are deposited into the Fund and offset the USTP's annual appropriation. Unlike other bankruptcy fees that are set administratively by the Judicial Conference of the United States, the filing fees and quarterly fees paid to the USTP are set in statute and cannot be adjusted by the USTP. The Program's current fee rates have been in effect since 2005 for filing fees and 2008 for quarterly fees.

In FY 2016, a change in appropriation language was made such that the USTP's full appropriation is initially derived from the General Fund of the Treasury and subsequently offset by net fees received during the fiscal year and the balance in the Fund.

With a decline in bankruptcy filings over the past six years, the balance in the Fund was reduced to \$10.3 million at the end of FY 2016. Based upon recent filing trends, the USTP does not

⁶ The official FTE estimate for FY 2017 is 1,184 FTEs, however, based on new administration priorities the USTP projects a revised operational estimate of 1,063 FTEs. The Program manages 92 field office locations nationwide, the Executive Office, and more than 400 sites where Section 341 meetings are held. In addition, staff appears in court in more than 300 locations nationwide.

⁷ The USTP receives a portion of these filing fees as specified by statute.

United States Trustee Program

project a significant rebound in bankruptcy filings in FY 2018.⁸ In FY 2016, offsetting collections covered approximately 66 percent of the Program's appropriation, with the remainder being drawn from the Fund. In FY 2017, the Program is predicted to exhaust the balance of the Fund and fall \$92 million short of offsetting the FY 2017 funding level.

To address this issue in FY 2018 and beyond, the USTP proposes to adjust the quarterly fees for the largest chapter 11 debtors. With the enactment of the proposal, the FY 2018 budget request is anticipated to be fully offset by bankruptcy fees collected and on deposit in the Fund.⁹

The following table reflects actual and projected revenue collected by source, for the period FY 2012 – FY 2018.

Bankruptcy Fees by Source (\$ in thousands)	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Est.	FY 2018 Est. without Fee Increase ^a	FY 2018 Est. with Fee Increase ^b
Bankruptcy Filing Fees	\$ 94,073	\$ 81,374	\$ 69,518	\$ 60,515	\$ 56,380	\$ 49,200	\$ 53,600	\$ 53,600
Chapter 11 Quarterly Fees	\$ 139,289	\$ 126,948	\$ 110,623	\$ 92,688	\$ 91,125	\$ 73,000	\$ 85,000	\$ 235,000
Interest on Earnings on Investments	\$ 652	\$ 902	\$ 744	\$ 650	\$ 523	\$ 857	\$ 257	\$ 257
Other	\$ 123	\$ 142	\$ 178	\$ 76	\$ 301	\$ 143	\$ 143	\$ 143
								\$ 289,000

^{1/} The USTP's current estimate for FY 2018 is \$139 million without the proposed chapter 11 fee increase.

^{2/} The FY 2018 with fee increase revenue estimate assumes that the proposed fee adjustment is effective October 1, 2017. The proposed fee structure and FY 2018 revenue estimates were calculated using the bankruptcy filing projections provided in section I.D.4. Any change in bankruptcy filings or fee adjustment effective date would impact actual revenue collections.

3. Fee Proposal

The USTP proposes to adjust the quarterly fees for the largest chapter 11 debtors. The proposed fee structure would allow the USTP Director to adjust the quarterly fee, within specified limits, imposed in cases with quarterly disbursements of at least \$1 million. Initially, the fee would be set at the lesser of 1 percent of disbursements or \$250,000. Beginning in FY 2021, the USTP Director may adjust the fee no more than once a fiscal year, not to exceed the lesser of 1 percent of disbursements or \$250,000.

⁸ USTP estimates are based on recent filing trends and do not consider other economic factors, draw dates for high yield bonds, or other considerations frequently cited by commentators who make filing predictions.

⁹ The Program's FY 2018 revenue estimate with a fee increase assumes that the proposed fee adjustment is effective October 1, 2017.

Importantly, to ensure that small businesses and other debtors with lower disbursements do not pay additional fees, cases with quarterly disbursements under \$1 million are excluded from the proposed adjustment in chapter 11 quarterly fees. About 98 percent of debtors who voluntarily identify themselves in the bankruptcy system as meeting the Bankruptcy Code's definition of a small business have quarterly disbursements under \$1 million.¹⁰

4. Programmatic Issues

Unpredictable Legal Challenges. Legal challenges relating to the Bankruptcy Code are unpredictable in scope and number. The USTP enforces the Bankruptcy Code and defends challenges to its provisions, including by litigating issues of first impression.

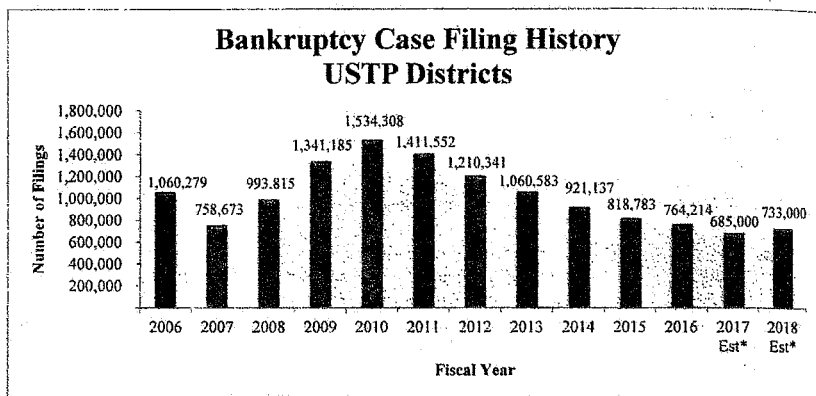
Evolving and Complex Caseload. The USTP's sustained heavy workload in civil enforcement, along with the sheer sophistication of fraud schemes and abusive activities, place an incredible burden on USTP staff to move cases through the system efficiently. In addition to carrying out statutory duties, including means testing and trustee oversight, the Program remains very much involved in new and complex issues associated with national mortgage servicers, other consumer protection issues, and complex chapter 11 bankruptcy filings.

Volatility in Bankruptcy Filings. The volatility in the number and location of bankruptcy filings creates challenges in case management. For the past century, filings have generally increased about two-thirds of the time and decreased the other one-third. However, in recent years, bankruptcy filing rates have been extraordinarily unpredictable, with unprecedented volatility that some experts attribute to changes in the law, low interest rates, declining consumer credit, and the availability of distressed debt funding in the capital markets. Many of these factors are subject to sudden change, as shown by the explosion in the number of bankruptcy filings from FY 2008 to FY 2010. Filings from FY 2014 to 2018 are estimated to be fewer than one million per year for the first time since FY 2008. During FY 2016, the rate of the filing decline lessened, with chapter 11 filings substantially increasing and chapter 13 filings nearly stable while chapter 7 filings continued to decrease. While some commentators suggest that overall filings will rise, based upon trend analysis and without regard to changes in external economic conditions, the USTP does not project a significant rebound in bankruptcy filings by FY 2018.

¹⁰ Generally, 11 U.S.C. § 101(51D) defines a small business debtor as an individual, partnership, or corporation engaged in commercial or business activities that has aggregate non-contingent liquidated debts of not more than \$2,566,050, subject to adjustment every three years.

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The following chart reflects actual and projected filings for fiscal years 2006 through 2018.¹¹



Compatibility of USTP and Court Data Systems. The Program depends on the exchange of electronic data with the U.S. Bankruptcy Courts to ensure the timely administration of bankruptcy cases. As data systems are updated, the Program must work cooperatively with the Administrative Office of the U.S. Courts to ensure compatibility to support an effective and efficient bankruptcy process.

Security at Section 341 Public Meetings. The USTP, in response to growing concerns by judges, trustees, and practitioners, initiated a pilot program at the end of FY 2015 under which armed guards provided by the Federal Protective Service are present at section 341 meetings in approximately 16 locations that the Program deemed most in need of additional security.

Section 341 of the Bankruptcy Code requires the U.S. Trustee to convene a meeting of creditors in every bankruptcy case. At the section 341 meeting, the debtor must appear and answer questions under oath from the U.S. Trustee, any trustee appointed in the case, creditors, and other parties in interest regarding the administration of the bankruptcy estate and the debtor's liabilities and financial condition. In addition, these meetings are open to the general public. The USTP acquires space for section 341 meeting rooms in secured locations when feasible and justifiable. This is not always possible, however, due to a lack of available space, as well as the infrequency of meetings that take place at remote locations. As a result, over 100 of the 400-plus meeting rooms are currently situated in non-federal space with less than optimal security, including

¹¹ The chart reflects bankruptcy filings under all chapters of the Bankruptcy Code, as reported by the Administrative Office of the U.S. Courts (AOUSC). Fiscal years 2017–2018 are current estimated filings.

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commercial space and low or no cost space in hotel conference rooms and local government facilities like public libraries. Because of their nature, section 341 meetings can be quite combustible because tensions between the debtor and creditors, estranged family members, former employees, and other parties sometimes run high, resulting in increased safety and security risks.

Between FY 2015 and FY 2016, the USTP committed \$1.4 million of carryover funding to cover the pilot, and will target to continue the initiative through FY 2018 with the use of available carryover funding.

E. Efforts to Maximize Appropriated Resources

In recent years, in the USTP has developed innovative strategies to find cost-effective operational solutions. The following are examples of the Program's efforts to date. In FY 2018, the Program will continue to explore efficiencies within its work processes, technology systems, and operating structure.

Consolidation of Functions

The Program piloted and implemented nationwide a number of work process changes by consolidating at the regional level functions previously conducted in each field office, freeing valuable time for field office personnel to pursue other enforcement priorities and providing greater consistency in case administration. This consolidation includes certain administrative areas of trustee oversight, chapter 11 quarterly fee review, and bankruptcy case data extraction and download. For example, the USTP approves and files Trustee Final Reports (TFRs) that provide for the distribution of chapter 7 estate funds to creditors in accordance with statutorily prescribed priorities. TFRs must be reviewed and approved by the USTP, and filed with the Bankruptcy Court, within 60 days of receipt. Consolidation has resulted in more efficient and consistent review of TFRs, now conducted by only a few specially trained staff members.

Co-Location of Work Space

The USTP has achieved considerable savings by returning underutilized space and reducing space allocations as leases expire. In total, since FY 2012, the Program estimates it has returned more than 49,000 square feet of space. This includes between FY 2014 and FY 2016 co-locating several Program field offices (Brooklyn with Manhattan; Woodland Hills with Los Angeles; and Oakland with San Francisco), providing the dual benefit of reducing office space costs while increasing operational efficiencies.

Use of Technology for Streamlining and Cost Savings

The Program is always examining ways to maximize its use of technology to improve operations while reducing costs.

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Since 2014, the USTP has reduced its annual cost of accessing bankruptcy court documents needed for appropriate case oversight by approximately \$750,000 annually by utilizing an internally developed case viewer that provides docket-like views of case filings received via daily downloads from the court and by transitioning from the federal court's Public Access to Court Records (PACER) system to a third party vendor that allows access to bankruptcy court records nationwide.

In FY 2016, the Program completed a transition away from desktop computers to mobile laptop devices, thereby eliminating the need for multiple devices for employees. This technology refresh reduced the Program's total inventory of devices by 500, resulting in an estimated cost avoidance of more than \$500,000 per life-cycle.

The Program is in the process of enhancing its underlying network operational performance by tripling its internal bandwidth capacity in all of its offices at no net cost increase.

The USTP is reducing its Help Desk support costs through a shared contract with the Bureau of Alcohol, Tobacco, Firearm and Explosives.

The USTP maximizes its use of video teleconferencing equipment in its field offices nationwide to reduce travel costs to attend court hearings and for meetings and training programs.

F. Program Efforts Toward Integrating Environmental Accountability

The USTP continues its work to improve its environmental management activities. The Program actively participates in a number of recycling and other greening initiatives and ensures compliance with existing Federal Acquisition Regulations. The following activities reflect the Program's continuing efforts toward managing and improving its environmental and health safety matters:

The USTP's Facilities Management Division works with the General Services Administration to ensure the use of environmentally preferable building products and materials for the design, construction, and operation of commercially owned office space occupied by the Program.

As required by Federal Acquisition Regulation (FAR) 23.705, the Program makes every effort to purchase electronic products that are Electronic Product Environmental Assessment Tool registered, or EnergyStar Compliant products. Such products include computers, computer monitors, printers, and copiers.

As required by FAR Subpart 23, the Program purchases supplies that are environmentally preferable products made from recycled content, such as copier paper, file folders, pens, and remanufactured toner cartridges.

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Recycling of paper products, cans, bottles, and plastics is encouraged throughout the Program – an effort highlighted through the use of signage, posters, and the continual availability of appropriate recycling receptacles.

II. Summary of Program Changes

The USTP is not proposing formal program changes in FY 2018.

III. Appropriations Language and Analysis of Appropriations Language

The FY 2018 budget request includes proposed changes in the appropriations language set forth and explained below. New language is *italicized and underlined*, and language proposed for deletion is bracketed.

United States Trustee System Fund

For necessary expenses of the United States Trustee Program, as authorized, [~~\$225,908,000~~]\$225,479,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, deposits to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, fees collected pursuant to section 589a(b) of title 28, United States Code, shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That to the extent that fees collected in fiscal year [2016]2018, net of amounts necessary to pay refunds due depositors, exceed [~~\$225,908,000~~]\$225,479,000, those excess amounts shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year [2016]2018, net of amounts necessary to pay refunds due depositors, (estimated at [~~\$162,400,000~~]\$289,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from amounts deposited in the Fund in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year [2016]2018 appropriation from the general fund estimated at \$0.

Analysis of Appropriation Language

No substantive changes proposed.

IV. General Provision Language and Analysis of General Provision Language

Sec. XXX. (a) Section 1930(a) of title 28, United States Code, is amended

- (1) in paragraph (6) by striking “\$6,500 for each quarter in which disbursements total \$1,000,000 or more but less than \$2,000,000;” and all that follows and inserting in lieu thereof:

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- (A) "1 percent of disbursements, or \$250,000, whichever is less, for each quarter in which disbursements total \$1,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed."; and
- (B) "Beginning in fiscal year 2021, the Director of the Executive Office for United States Trustees may adjust (no more frequently than once per fiscal year) the fee for each quarter in which disbursements total \$1,000,000 or more, not to exceed 1 percent of disbursements, or \$250,000, whichever is less."
- (2) This section and the amendment made by subsection (a) shall take effect October 1, 2017, or on the first day of the calendar quarter following the enactment of this Act, whichever is later, and shall apply to all cases pending or filed under title 11 of the United States Code on or after the effective date of the amendment.

Analysis of General Provision Language

The proposed language amends 28 U.S.C. § 1930(a)(6) to allow the Director of the Executive Office for United States Trustees (Director) to adjust the quarterly fee, within specified limits, imposed in larger cases filed pursuant to chapter 11 of title 11, United States Code, with quarterly disbursements of at least \$1 million. Initially, the fee would be set at the lesser of 1 percent of disbursements or \$250,000. Beginning in fiscal year 2021, the Director may adjust the fee no more than once a fiscal year, provided that the amount does not exceed the lesser of 1 percent of disbursements or \$250,000. The proposed fee would take effect the first calendar quarter after the date of enactment. There is no effect on outlays.

V. Program Activity Justification

A. Administration of Cases

The USTP budget is contained in one decision unit, the Administration of Cases, which encompasses all operational activities and includes the direct cost of all outputs, indirect costs, and common administrative systems. There are two main Program activities: (1) enforcement; and (2) case and trustee administration. The FTEs and associated funding are allocated to these Program activities based upon the direct, productive hours of the USTP staff, and the resources directly related to performing these activities. Administrative and other overhead costs are allocated based upon the direct hours expended for the two Program activities.

<i>Administration of Cases</i>	Direct Pos.	Estimated FTE	Amount (\$ in thousands)
2016 Enacted	1,314	1,088	\$225,908
2017 Continuing Resolution	1,314	1,184	\$225,479
Adjustments to Base and Technical Adjustments	(286)	(156)	\$0
2018 Current Services	1,028	1,028	\$225,479
2018 Request	1,028	1,028	\$225,479

<i>Administration of Cases</i>	Direct Pos.	Estimated FTE ⁿ	Amount (\$ in thousands)
Information Technology Breakout			
2016 Enacted	39	32	\$22,245
2017 Continuing Resolution	39	32	\$25,882
Adjustments to Base and Technical Adjustments	-	1	-\$3,032
2018 Current Services	33	33	\$22,850
2018 Request	33	33	\$22,850

ⁿ FY16 FTE is actual.

1. Civil Enforcement

As noted previously, a core function of the USTP is to combat bankruptcy fraud and abuse. The Program combats fraud and abuse committed by debtors, for example, by seeking denial of discharge for the concealment of assets and other violations, by seeking case conversion or dismissal if a debtor has an ability to repay debts, and by taking other enforcement actions. Similarly, the Program combats fraud and abuse committed by attorneys, bankruptcy petition preparers, creditors, and others against consumer debtors by pursuing a variety of remedies, including disgorgement of fees, fines, and injunctive relief.

During FY 2016, USTP offices reported taking more than 31,000 formal and informal civil enforcement actions, with a potential monetary impact in excess of \$965 million in debts not discharged, fines, and other remedies. The USTP prevailed in 98.5 percent of the actions resolved by judicial decision or consent in the fundamental areas of dismissal for abuse (11 U.S.C. § 707(b)), denial of discharge (11 U.S.C. § 727), fines and injunctions against

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bankruptcy petition preparers (11 U.S.C. § 110), and disgorgements of attorneys' fees (11 U.S.C. § 329). For example, in a recent case in the Western District of Virginia, the USTP investigated and took action against a multi-state consumer law firm. The USTP successfully obtained significant sanctions against the law firm and its lawyers for, among other things, failure to disclose its fees, improper fee sharing, providing substandard legal services to its clients, and the unauthorized practice of law. The USTP understands that the law firm ceased operations after the court's ruling.

Means Testing

One of the major responsibilities of the USTP is to administer and enforce the means test as required under the BAPCPA. Under the means test, individual debtors with income above their state median are subject to a statutorily prescribed formula to determine disposable income. The formula is based partially on allowable expense standards issued by the Internal Revenue Service for its use in tax collection. The primary purpose of the means test is to help determine eligibility for chapter 7 bankruptcy relief.

In FY 2016, approximately 10 percent of chapter 7 debtors had income above their state median. Of those cases filed by above median income debtors, about 6 percent were "presumed abusive" under the means test. Of those presumed abusive cases that did not voluntarily convert or dismiss, the Program exercised its statutory discretion to decline to file a motion to dismiss in about 63 percent of the cases after consideration of the debtor's special circumstances, such as recent job loss, that justified an adjustment to the current monthly income calculation.

Consumer Protection

The USTP is active in the Department's efforts to protect Americans from financial fraud and abuse, particularly by mortgage servicers who inflate their claims or otherwise fail to comply with bankruptcy requirements of accuracy, disclosure, and notice to their customers in bankruptcy. The USTP played a leading role in the historic \$25 billion National Mortgage Settlement (NMS) announced by the Attorney General in 2012, and remained actively involved post-settlement through its service as co-chair of the NMS Monitoring Committee. The Monitoring Committee included representatives from the Department of Housing and Urban Development and state attorneys general and was tasked with ensuring compliance with the NMS by the settling servicers. The Program continues to investigate and seek redress against the settling servicers who were bound by the NMS, as well as by non-settling servicers and new entrants to the mortgage servicing market for violations of the bankruptcy statutes and rules.

The USTP's approach of addressing multi-jurisdictional violations through a coordinated enforcement effort that holds creditors accountable and protects consumers has proven effective. The Program has participated in or played a substantial role in 12 nationwide settlements, including nine settlements to protect consumer debtors against national creditors to address a range of violations, including the collection of discharged debt, improper disclosure of privacy protected information, the filing of inaccurate and inflated claims, and failure to provide court-

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required notices. These national settlements provide relief for victimized debtors, require systemic corrective actions so such violations do not recur, and uphold the integrity of the bankruptcy system.

Most recently, in February 2016, the Program's coordinated approach helped bring about the settlement that the Department of Justice and its federal and state partners reached with HSBC Bank. The USTP is a signatory to the \$470 million agreement, which resolved a panoply of mortgage loan origination and servicing claims, including violations of bankruptcy law that deprived distressed homeowners of rights as they sought to save their homes in chapter 13.

Further, on November 5, 2015, the USTP announced a national settlement agreement with Wells Fargo that required the bank to pay \$81.6 million in remediation for its repeated failure to provide legally required notices to homeowners in bankruptcy, thereby denying their opportunity to challenge the accuracy of mortgage payment increases. Wells Fargo acknowledged that it failed to timely file more than 100,000 payment change notices and failed to timely perform more than 18,000 escrow analyses in cases involving nearly 68,000 accounts of homeowners who are or were in bankruptcy. Wells Fargo also agreed to change internal operations and submit to oversight by an independent compliance reviewer.

Eight months earlier, in March 2015 the Program announced a settlement with Chase obligating the bank to pay more than \$50 million, including cash payments, mortgage loan credits and loan forgiveness to over 25,000 homeowners who are or were in bankruptcy. Chase acknowledged that it filed in bankruptcy courts around the country more than 50,000 payment change notices that were improperly signed, under penalty of perjury, by persons who had not reviewed the accuracy of the notices. Chase also acknowledged that it failed to file timely, accurate notices of mortgage payment changes and failed to provide timely, accurate escrow statements. In addition to the monetary payments, Chase agreed to make necessary changes to its technology, policies, procedures, internal controls, and other oversight systems to ensure that the problems identified do not recur, and to be subject to an independent compliance review by a monitor who would file public reports with the bankruptcy court.

2. Criminal Enforcement

The Program has a statutory duty to refer matters to the U.S. Attorney's offices for investigation and prosecution that "relate to the occurrence of any action which may constitute a crime." 28 U.S.C. § 586(a)(3)(F). The statute also requires that each U.S. Trustee shall assist the U.S. Attorney in carrying out prosecutions. The Program submits an annual report to Congress that details the number and types of criminal referrals made by the Program, the outcomes of those referrals, an explanation in any decrease in referrals, and the Program's efforts to prevent bankruptcy fraud and abuse. In FY 2016, the USTP made 2,158 criminal referrals involving a broad range of allegations.

*For more information on criminal referrals, see the annual reports to Congress:
http://www.justice.gov/ust/ea/public_affairs/reports_studies/index.htm*

Among its considerable efforts in the area of criminal enforcement, the USTP field offices participate in more than 70 local bankruptcy fraud working groups, mortgage fraud working groups, and other specialized task forces throughout the country; conduct extensive training for federal, state, and local law enforcement personnel, USTP staff, and private bankruptcy trustees (training approximately 3,900 people in FY 2016); and publish internal resource documents. In addition, Program staff – including attorneys, bankruptcy analysts, and paralegals – frequently assist law enforcement partners with investigations and provide expert or fact testimony at criminal trials.

One example of a successful USTP criminal referral involves a defendant who pleaded guilty to wire fraud and conspiracy to commit bankruptcy fraud and was sentenced in the District of Arizona to 10 years in prison and three years of probation. The defendant raised more than \$20 million from 500 investors for nonexistent land development projects and improperly used some of the money for unrelated business and personal expenses. He also failed to disclose significant assets in his bankruptcy, including jewelry, luxury items, interests in real estate, and businesses. His wife and co-debtor was also sentenced to one year of home confinement and five years of probation after pleading guilty to conspiracy to commit bankruptcy fraud based on her failure to disclose assets in the bankruptcy. The U.S. Trustee referred the criminal matter and assisted with the investigation, and a trial attorney from the office served as a Special Assistant U.S. Attorney in the case.

3. Chapter 11 Oversight

The Program carries out significant responsibilities in business reorganization cases. These responsibilities include such matters as appointing official committees of creditors and equity security holders, objecting when appropriate to the retention and compensation of professionals, reviewing and objecting to disclosure statements to ensure adequate information is provided to stakeholders, appointing trustees and examiners when warranted, enforcing the statutory limitations on insider and executive compensation, and moving to dismiss or convert about one-third of chapter 11 cases each year because they are not progressing towards financial rehabilitation.

As the USTP has stepped up its enforcement in the chapter 11 arena, it is increasingly clear that the Program's role as the "watchdog" of the system is essential to vindicate congressional mandates in the Bankruptcy Code. For example, even when debtor companies and some of their major creditors agree on a course of action, the interests of other stakeholders often are implicated. The USTP's role allows it to present issues for judicial decision even where parties either will not, or lack the financial wherewithal to, litigate. Although the USTP should never

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substitute its business judgment for that of economic stakeholders, it is the Program's job to ensure that the Code and Rules are followed by all participants in the bankruptcy system. This has led us to oppose both debtors and creditors on issues such as payment of attorneys' fees, executive bonuses, and matters of corporate governance.

In addition, the USTP has responsibility for ensuring accountability by company management and professionals employed in chapter 11 cases in such areas as:

Attorney's Fees. The USTP polices compliance with statutory and rule-based standards for awarding attorney and other professional fees in chapter 11 cases. In particular, the USTP has advanced major reforms in large chapter 11 case attorney billing practices by issuing guidelines that require greater transparency and market-driven rates. The guidelines, which became effective November 1, 2013, have been effective. Among other things, they have highlighted instances of disclosures that do not comply with statutory standards. For example, applications showed instances where firms that provided pre-petition fee discounts to their client did not extend those same discounts after the client filed for chapter 11 relief. Issues such as these have been resolved largely through modification of the retention or fee application once the concern was raised by the United States Trustee.

Executive Bonuses. The USTP reviews executive bonuses and other compensation for compliance with Section 503(c) of the Bankruptcy Code and is often the only participant in the bankruptcy case that is willing or well-positioned to seek enforcement of that section. In the BAPCPA, Congress curtailed the lingering practice of chapter 11 debtors' executives awarding themselves lavish bonuses during the bankruptcy case, which were often styled as "retention programs" that ostensibly dissuaded those executives from seeking employment elsewhere.

In many cases, the U.S. Trustee's formal or informal objections have resulted in substantial voluntary changes to the debtor's proposed executive compensation programs. Other cases required formal court action. Some examples include:

In the case of *Molycorp Inc.*, the U.S. Trustee objection resulted in the denial of a chapter 11 debtor's plan to pay bonuses totaling as much as \$2.9 million to seven management-level employees. The U.S. Trustee successfully argued in the Bankruptcy Court for the District of Delaware that the bonuses were impermissibly designed to compensate management merely for staying with the debtor during the bankruptcy case, not to provide incentives for management to accomplish difficult objectives in the case. As a result, the debtor revised the plan to reduce the proposed bonus amounts by almost two-thirds and to impose more stringent standards for earning them. Ultimately, because the more stringent standards were not met, the executives did not receive the bonuses.

- In the case of *GT Advanced Technologies*, the Bankruptcy Court for the District of New Hampshire sustained the U.S. Trustee's objection and denied the purported "incentive" bonuses for the debtor's management totaling \$2.1 million. The court agreed that these bonuses were disguised retention bonuses prohibited by the Code and further denied

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another bonus plan of \$1.5 million because it was not justified by the facts and circumstances of the case.

In the chapter 11 case of *The Sports Authority, Inc.*, the Bankruptcy Court for the District of Delaware sustained the U.S. Trustee's objection to the debtor's request for payment of \$2.85 million in management bonuses, holding that the proposed compensation was inappropriate where high-level management executives were merely staying in their jobs after the business had been liquidated and rank-and-file employees were losing their jobs.

Independent Trustees and Examiners: The Program's responsibilities in business reorganization cases also include the appointment of trustees when there are grounds to suspect that current management has participated in gross mismanagement, fraud, dishonesty, or other improper activity. The USTP also seeks the appointment of examiners when independent investigations are needed. By way of example, the U.S. Trustee appointed chapter 11 trustees in cases such as *TelexFree LLC* (the debtor purported to provide inexpensive Internet phone service worldwide but actually operated a massive cross-border pyramid scheme), *ISoltech, Inc.* (the debtor allegedly installed uncertified solar panels in U.S. military bases and commercial facilities), and *Soundview Elite, Ltd.* (involving self-dealing by the managers of Cayman Islands mutual funds). In addition, the United States Trustee appointed an examiner in the *Caesars' Entertainment* case in the Northern District of Illinois whose investigation was widely praised for providing a roadmap for a more efficient resolution of the case, including the potential recovery of \$3.5 billion for the estate.

Financial Reporting: The USTP is currently engaged in a formal rulemaking to standardize uniform mandatory monthly operating reports for non-small business cases. Chapter 11 monthly operating reports are essential reports that enable courts, creditors, and the USTP to assess debtors' progress toward financial rehabilitation and their compliance with bankruptcy requirements. These reports often are the impetus for USTP motions to convert or dismiss cases or to seek other relief.

4. Appellate Practice and Challenges to the Bankruptcy Code

One of the Program's most important roles has been to develop consistent case law. The USTP is the only participant in the bankruptcy system with a national perspective and a responsibility to develop coherent case law across the nation. The USTP has been handling a large number of appeals, many of which may have a profound and long-standing effect on the bankruptcy system. In FY 2016, the Program participated in 99 appellate matters beyond the bankruptcy court, including two dozen matters at the United States court of appeals level. In addition, the Program has been involved in a number of significant cases before the Supreme Court.

Most recently, the USTP assisted the Office of the Solicitor General in participating as *amicus* in *Czyzewski v. Jevic Holding Corporation*, No. 15-649 (U.S.). In March 2017, the Supreme Court ruled in the government's favor, finding that a settlement and structured dismissal may not be used to distribute bankruptcy estate funds without following the Bankruptcy Code's priority

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scheme. ___ U.S. ___, 137 S. Ct. 937 (2017). The U.S. Trustee sided with the truck drivers whose employer fired them, filed bankruptcy the next day, and then denied them their right to priority payment under bankruptcy law.

In 2016, the USTP also assisted the Solicitor General in successfully arguing that debtors should be liable for debts obtained through intentional fraudulent schemes even if they do not involve a false statement or false representation. *Husky Int'l Electronics v. Ritz*, ___ U.S. ___, 136 S. Ct. 1581 (2016). And in FY 2015, the United States participated as *amicus* in three bankruptcy cases before the United States Supreme Court. The USTP was listed among the government's counsel in two of the briefs. In *Baker Botts LLP v. ASARCO LLC*, ___ U.S. ___, 135 S. Ct. 2158 (2015), the Court affirmed the Court of Appeals for the Fifth Circuit's prohibition against the right of attorneys to obtain additional fees for defending objections to their fee applications. In *Bullard v. Blue Hills Bank, fka Hyde Park Sav. Bank*, ___ U.S. ___, 135 S. Ct. 1686 (2015), the Court addressed the standards for determining the finality of bankruptcy court orders, which affected not only the denials of proposed consumer debt repayment plans at issue in the case, but also many other matters (e.g., USTP motions to disqualify counsel and objections to their fees).

The USTP's appellate efforts also seek to further the Program's work in other key areas. For instance, the Program has defended on appeal judgments holding bankruptcy professionals who violate their obligations to their clients, the court, and the bankruptcy estate accountable for their misdeeds. In one recent case, a chapter 7 trustee was removed from all of his cases after it was uncovered that he had tried to overcharge the bankruptcy estate by surreptitiously billing for personal expenses not necessary to the administration of the estate. On appeal, the USTP successfully defended his removal. *Smith v. Robbins (In re IFS Fin. Corp.)*, 803 F.3d 195 (5th Cir. 2015). When an attorney not only failed to provide a benefit to his client (the debtor), but also took actions that were detrimental to the debtor and caused the debtor to incur unnecessary fees, the Program successfully defended an order denying compensation to the attorney, disgorging his attorney's fees, and suspending him from practicing in that court. *Needler v. Casamatta (In re Miller Auto. Grp. Inc.)*, 536 B.R. 828 (B.A.P. 8th Cir. 2015). The Program also successfully defended sanctions against a debtor's attorney who told his client to lie about her assets and her financial transactions in violation of the Bankruptcy Code. *Bisges v. Gargula (In re Clink)*, 770 F.3d 719 (8th Cir. 2014). Further, the Program successfully defended sanctions imposed upon an attorney who made misleading and inaccurate arguments in documents filed with the bankruptcy court. *Baker v. Harrington (In re Hoover)*, 827 F.3d 191 (1st Cir. 2016). Finally, the Program successfully defended an order significantly reducing a bankruptcy attorney's fees because no attorney-client relationship existed during the periods when the disputed services were provided and, even if such a relationship had existed, the attorney failed to adequately record his time, had a conflict of interest, and violated the court's rules governing compensation requests which justified the reduction of fees. *Gold v. Harrington (In re Gold)*, 654 F. App'x 14 (2d Cir. 2016).

5. Trustee Administration

The Program appoints and supervises private trustees, who are not government employees, to administer bankruptcy estates and distribute payments to creditors in cases filed under chapters 7, 12, and 13. Chapter 7 trustees collect the debtor's assets that are not exempt from creditors, liquidate the assets, and distribute the proceeds to creditors. Chapter 12 and chapter 13 trustees evaluate the financial affairs of the debtor, make recommendations to the court regarding confirmation of the debtor's repayment plan, and administer the court-approved plan by collecting payments from the debtor and disbursing the funds to creditors in accordance with the priorities of the Bankruptcy Code.

The Program instructs trustees concerning their duties to debtors, creditors, other parties in interest, and the U.S. Trustee; trains trustees and evaluates their performance; reviews their financial operations; ensures the effective administration of estate assets; and intervenes to investigate and recover the loss of estate assets when embezzlement, mismanagement, or other improper activity is suspected or alleged.

At the end of FY 2016, the Program supervised the activities of 960 chapter 7 trustees, 36 chapter 12 trustees, and 177 chapter 13 trustees. In FY 2016, chapter 7 trustees administered approximately 45,000 asset cases that generated nearly \$3.2 billion in funds, while chapter 12 and chapter 13 trustees administered approximately 1.1 million cases and disbursed nearly \$6.2 billion.

United States Trustee Program

B. Performance Tables

I. PERFORMANCE AND RESOURCES TABLE ⁴											
Appropriation: United States Trustee Program											
Decision Unit: Administration of Cases											
WORKLOAD/ RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2016		FY 2016		FY 2017		Current Services Adjustments & FY 2018 Program Changes		FY 2018 Request	
Total Costs and FTE		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
TYPE / Strategic Objective	Performance /Resources	1,184	\$225,908	1,088	\$225,908	1,184	\$225,479	-156	\$0	1,028	\$225,479
Program Activity	1. Civil and Criminal Enforcement and Appellate Matters	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		453	\$86,500	561	\$116,500	611	\$116,339	-80	\$0	531	\$116,339
Efficiency Measure	No. of 707(b) inquiries per successful outcome	7.0		5.2		7.0		0.0		7.0	
	Percent of Trustee Final Reports reviewed within 60 days ²	New Measure FY 2017		New Measure FY 2017		95%		0%		95%	
Program Activity	2. Case and Trustee Administration	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		731	\$139,408	527	\$109,348	573	\$109,140	-76	\$0	497	\$109,140
Outputs	Number of successful actions related to consumer protection	2,400		2,503		2,200		0		N/A	
	Number of successful discharge complaints	475 ¹		462		475		0		Discontinued FY18 ³	
	Number of successful discharge actions ²	New Measure FY 2018		New Measure FY 2018		New Measure FY 2018		New Measure FY 2018		N/A	
	Potential Additional Returns to Creditors through Civil Enforcement and Related Efforts	\$950,000,000		\$965,464,640		\$950,000,000		\$0		N/A	
	Litigation success rate ³	New Measure FY 2017		New Measure FY 2017		95%		0%		95%	

1/ The Program has discontinued reporting the number of bankruptcy case filings on the performance and resource table. The decision to discontinue reporting this measure was made in collaboration with JMD as the measure was established as a workload measure and is not a performance measure. For FY 2018, the USITP is not including targets for numerical performance measures due to the uncertain effects of anticipated staffing reductions.

2/ The Program added two new measures in FY 2017, the percent of Trustee Final Reports reviewed within 60 days and the Program's overall litigation success rate. The Program added one new measure in FY 2018, the number of successful discharge actions, to replace the number of successful discharge complaints, which will be discontinued in FY 2018.

3/ The FY 2016 target for the number of successful discharge complaints differs from the FY 2016 President's Budget.

United States Trustee Program

Data Definitions:

Chapter 7: A liquidation case. A trustee is appointed to sell the debtor's non-exempt assets and distribute the proceeds to creditors in accordance with the priorities of the Bankruptcy Code. Generally, absent fraud or abuse, the remaining debts of individual debtors are discharged. Chapter 7 cases include individuals and businesses.

Chapter 11: A reorganization case. The debtor usually remains in possession of its assets, continues to operate its business, and repays and/or readjusts debts through a plan that must be approved by creditors and the bankruptcy court. Chapter 11 cases are generally business cases.

Chapter 12: A debt adjustment case by a family farmer or family fisherman. The debtor usually remains in possession of its assets, continues to operate its business, and repays creditors, in part or in whole, through a court-approved chapter 12 plan over a period not to exceed five years.

Chapter 13: A debt adjustment case by an individual with regular income. The debtor retains property, but repays creditors, in whole or in part, through a court-approved chapter 13 plan over a period not to exceed five years.

Number of Section 707(b) inquiries per successful outcome: Inquiries made under 11 U.S.C. § 707(b)(2) and (b)(3) help the Program assess an individual debtor's eligibility for chapter 7 relief. If the debtor's income is above the applicable state median and calculations show disposable income above a specified amount, there is a presumption of abuse. In many cases, this requires the debtor to either agree to convert the case to chapter 13 or dismiss (cancel) the chapter 7 bankruptcy petition, voluntarily or through contested litigation. This efficiency measure is calculated by dividing the sum of all Section 707(b)(2) and (b)(3) inquiries made by the Program to debtors or their attorneys in a fiscal year by the number of successful outcomes relating to 707(b)(2) and (b)(3). A successful outcome is defined as a conversion to a more appropriate bankruptcy chapter, a dismissal of the bankruptcy case, or an abuse motion granted. A lower ratio suggests the Program is doing a better job of focusing staff effort (inquiries) on bankruptcy petitions requiring Program action.

Percent of Trustee Final Reports reviewed within 60 days (new measure in FY 2017): This measure is the efficiency rate for Trustee Final Reports (TFRs). Under the Memorandum of Understanding with the Administrative Office of the U.S. Courts, TFRs must be reviewed and approved by the USTP, and filed with the bankruptcy court, within 60 days of receipt. Case trustees distribute chapter 7 estate funds to creditors in accordance with USTP- approved TFRs.

Number of successful actions related to consumer protection: This measure consists of formal motions and complaints granted in a bankruptcy court and successful inquiries made by the U.S. Trustee to prevent fraud, abuse, and error resulting from the inappropriate actions of creditors, petition preparers, attorneys, mortgage servicing agencies, and mortgage rescue scam operators. The measure includes actions under 11 U.S.C. §§ 110, 526 and 329, False/Inaccurate/Improper Claims, Discharge/Stay Violations under 11 U.S.C. § 524, Abuse of

United States Trustee Program

Reaffirmation Procedures, Improper Solicitation, Objection to Relief from Stay Motions, and Other Actions for Attorney Misconduct.

Number of successful discharge complaints (discontinued in FY 2018): This measure consists of successful formal discharge complaints filed by the USTP in a bankruptcy court to prevent fraud and abuse by individual debtors. These complaints result in waiver, denial, or revocation of a discharge of debt. It is one of the most serious civil remedy available to the Program against debtors in its effort to prevent fraud and abuse in the bankruptcy system and is taken to resolve issues such as hidden assets, and unreported income. (This measure does not include successful discharge complaints against debtors who are ineligible due to a prior discharge or who failed to complete a debtor education course.)

Number of successful discharge actions (new measure in FY 2018): The Program added this new measure in FY 2018, to replace the number of successful discharge complaints, which will be discontinued in FY 2018. This measure consists of successful formal and informal discharge actions that result in waiver, denial, or revocation of discharge of debt. These actions are taken to resolve issues such as hidden assets and unreported income and represent one of the most serious civil remedy available to the Program against fraud and abuse by individual debtors in the bankruptcy system. (This measure does not include successful discharge actions against debtors who are ineligible due to a prior discharge or who failed to complete a debtor education course.)

Potential additional returns to creditors through civil enforcement and related efforts: Program actions have a significant financial impact, and this measure tracks the amounts involved as the result of the Program's formal and informal actions. The majority of this total is attributable to debts not discharged in chapter 7 and potentially available to creditors. Other amounts included are fee requests and claims reduced or withdrawn, fees disgorged, and sanctions and fines against professionals.

Litigation success rate (new measure in FY 2017): This measures the Program's aim for excellence in litigation, including exercising sound judgment, diligence, and discretion to bring the strongest actions given limited Program resources. The success rate is calculated as the number of actions favorably resolved (granted or sustained) divided by the total number of actions decided (granted, sustained, overruled, or denied) in any given year.

United States Trustee Program

Decision Unit: Administration of Cases		FY 2012	FY 2013	FY 2014	FY 2015	FY 2016		FY 2017	FY 2018
Performance Report and Performance Plan Targets		Actual	Actual	Actual	Actual	Target	Actual	Target	Target ³
Efficiency Measure	No. of 707(b) inquiries per successful outcome	4.4	4.7	4.8	5.2	7.0	5.2	7.0	7.0
	Percent of Trustee Final Reports reviewed within 60 days ^{1/}	New Measure FY 2017	New Measure FY 2017	New Measure FY 2017	New Measure FY 2017	New Measure FY 2017	New Measure FY 2017	95%	95%
Outputs	Number of successful actions related to consumer protection	3,259	4,018	2,829	2,545	2,400	2,503	2,200	N/A
	Number of successful discharge complaints ^{2/}	557	551	410	395	475 ^{2/}	462	475	Discontinued FY18 ^{2/}
	Number of successful discharge actions ^{1/}	New Measure FY 2018	New Measure FY 2018	New Measure FY 2018	New Measure FY 2018	New Measure FY 2018	New Measure FY 2018	New Measure FY 2018	N/A
	Potential additional returns to creditors through civil enforcement and related efforts	\$1,982 M	\$1,659 M	\$1,071 M	\$1,168 M	\$950 M	\$965 M	\$950 M	N/A
	Litigation success rate ^{3/}	New Measure FY 2017	New Measure FY 2017	New Measure FY 2017	New Measure FY 2017	New Measure FY 2017	New Measure FY 2017	95%	95%

1/ The Program added two new measures in FY 2017: the percent of Trustee Final Reports reviewed within 60 days and the Program's overall litigation success rate; and one new measure in FY 2018: the number of successful discharge actions.

2/ The FY 2016 target for the number of successful discharge complaints differs from the FY 2016 President's Budget. This measure will be discontinued in FY 2018, and replaced by the number of successful discharge actions.

3/ For FY 2018, the USTP is not including targets for numerical performance measures due to the uncertain effects of anticipated staffing reductions.

C. Performance and Strategies

1. Performance Plan and Report for Outcomes

The USTP's cadre of dedicated professionals has continued to fulfill mission priorities despite a 14 percent decrease in staffing since FY 2010. In FY 2016, this has included making more than 2,100 criminal referrals to U.S. Attorneys and law enforcement; participating in 99 appellate matters beyond the bankruptcy court, including two dozen matters at the United States court of appeals level; reviewing approximately 90,000 trustees' final reports; conducting more than 500 on-site audits and field reviews for chapter 7, 12 and 13 trustee operations; and filing nearly 2,500 motions to convert or dismiss chapter 11 cases. In addition, the USTP took more than

United States Trustee Program

31,000 formal and informal civil enforcement actions which, while significant, represented a decline of less than 1,000 actions from FY 2015.

In FY 2016, the Program met three of its four performance goals. The Program fell 13 cases short of its target of 475 successful discharge complaints, but posted an increase of 17% compared to FY 2015. These complaints are filed to resolve issues such as hidden assets and unreported income, and they constitute one of the most serious civil remedies available to the Program in combatting debtor fraud and abuse in the bankruptcy system. When successful, these complaints result in denial or revocation of a discharge of debt. The Program attributes not meeting this goal to several factors, most notably fewer staff on-board, the loss of experienced staff trained to discover and investigate these type of actions, and to a lesser degree reduced bankruptcy filings. The Program, however, remains committed to this core enforcement area.

For FY 2018, the Program will replace the successful discharge complaints measure with a successful discharge actions measure. This adjustment will involve adding successful informal inquiries under § 727 that result in a discharge waiver. These outcomes are the same as those in the original measure but are just attained through a different means, without the need to file a formal action with the court. Also beginning in FY 2018, the Program will report totals for numerical measures (including the new successful discharge actions measure) without including targets. Targets for the existing percentage and ratio-based measures will remain unchanged.

2. Strategies to Accomplish Outcomes

a. Enforce compliance with federal bankruptcy laws and take civil actions against parties who abuse the law or seek to defraud the bankruptcy system.

The USTP's anti-fraud and abuse efforts focus on wrongdoing both by debtors and by those who exploit debtors.

Debtor Abuse. The USTP combats fraud and abuse by debtors who, among other things, attempt to conceal assets, evade the repayment of debts when they have disposable income available to pay them, or commit other violations of the Bankruptcy Code primarily by seeking case dismissal or by seeking denial of discharge. Civil enforcement actions include taking steps to dismiss abusive filings, deny discharges to ineligible or dishonest debtors, and limit improper re filings.

Creditor Abuse. Addressing violations of the Bankruptcy Code by creditors remains a key Program priority. Even as the USTP continues to investigate violations within the mortgage arena, it also has launched investigations into the conduct of creditors who engage in the buying and selling of unsecured consumer claims. Systemic violations ranging from the robo-signing of court documents, the collection of discharged debt, and abuse of process through filing high volumes of stale debt claims are among the matters being reviewed, and some of these matters are in the latter stages of investigation.


 United States Trustee Program

Professional Misconduct. The USTP has a long history of rigorous enforcement of the Bankruptcy Code and Rules against attorneys and others who fail to perform their duties to their consumer clients. For example, in FY 2016, the Program filed more than 900 court actions against professionals and non-attorney bankruptcy petition preparers who failed to provide the services required by law.

Underperforming Attorney Enforcement. In FY 2018, the Program anticipates continuing to prioritize its national enforcement efforts to address a growing concern regarding unscrupulous or underperforming consumer practitioners. Debtors, creditors, and the court systems are all victims of improper, fraudulent, or abusive practices by those who represent debtors in bankruptcy courts.

b. Pursue violations of federal criminal laws pertaining to bankruptcy by identifying, evaluating, referring, and providing investigative and prosecutorial support of cases.

The integrity of the bankruptcy system depends upon the honesty and truthfulness of all participants and deterrence against those who would abuse the system to defraud others. Integral to protecting the system is the USTP's statutory responsibility to refer suspected criminal activity to the U.S. Attorney and to provide assistance to law enforcement when appropriate, including serving as Special Assistant U.S. Attorneys. Program staff dedicate significant time to assisting its law enforcement partners in the investigation and prosecution of bankruptcy fraud and related crimes. Referrals from the USTP cover a broad spectrum of criminal activity including bankruptcy fraud, mortgage rescue fraud, money laundering, investor fraud, identity theft, bank fraud, mail fraud, and wire fraud.

c. Promote the effectiveness of the bankruptcy system by appointing and regulating private trustees who administer bankruptcy cases expeditiously and maximize the return to creditors.

Pursuant to the Bankruptcy Code, the U.S. Trustee appoints and supervises private trustees who administer consumer bankruptcy estates and distribute payments to creditors in cases filed under chapters 7, 12, and 13. Trustees have a fiduciary responsibility to the bankruptcy estate. It is a fundamental duty of the U.S. Trustee to regulate and monitor the activities of these private trustees to ensure the effective distribution of funds and compliance with standards put in place to safeguard those funds. The USTP selects and trains trustees and evaluates their overall performance and financial operations to ensure that cases are handled efficiently, effectively, and in accordance with applicable law and Program policy.

d. Ensure financial accountability, compliance with the Bankruptcy Code, and prompt disposition of chapter 11 bankruptcy cases.

The USTP monitors and takes enforcement actions in reorganization cases within its jurisdiction, ranging from small, single proprietorships to multi-billion dollar international conglomerates. Without substituting its judgment for that of parties with a monetary stake, the USTP focuses its



United States Trustee Program

attention on areas such as the following: filing motions and appointing trustees to replace management that engaged in egregious or improper activity; filing motions and appointing independent examiners to investigate the financial affairs of a debtor company; prescribing and monitoring financial reports to ensure that the debtor is not dissipating assets; filing enforcement motions to dismiss or convert to chapter 7 liquidation when cases are failing; reviewing applications to employ attorneys and other professionals to identify disqualifying conflicts of interest and objecting to employment if appropriate; appointing official committees of creditors to serve as fiduciaries acting on behalf of other creditors to negotiate a plan of reorganization; and reviewing and objecting to professional applications to ensure that fees do not exceed market rates and comply with other statutory requirements.

VI. Program Increases by Item

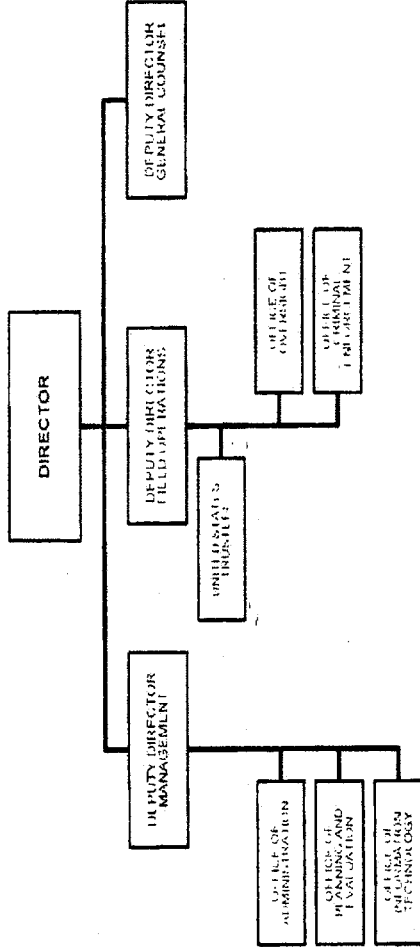
The FY 2018 requested budget does not reflect program increases.

VII. Program Offsets by Item

The FY 2018 requested budget does not reflect program offsets.

A: Organizational Chart

EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES



This form is an unclassified activity as determined by the information without disclosure by the Attorney General or other authorized official.

11/26/12

[Handwritten Signature]
 Director
 EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES

B. Summary of Requirements

Summary of Requirements
 U.S. Trustees
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted ^{1/}	[1,314]	1,088	225,908
Total 2016 Enacted	[1,314]	1,088	225,908
2017 Continuing Resolution	[1,314]	1,184	225,908
2017 Rescission - 0.1901%	0	0	-429
Total 2017 Continuing Resolution	[1,314]	1,184	225,479
Base Adjustments			
Pay and Benefits			
Domestic Rent and Facilities	-[286]	-156	-71
	0	0	71
Total Base Adjustments	-[286]	-156	0
Total Technical and Base Adjustments	-[286]	-156	0
2018 Current Services	[1,028]	1,028	225,479
2018 Total Request	[1,028]	1,028	225,479
2017 - 2018 Total Change	-[286]	-156	0

^{1/} FY 2016 FTE is actual.

B. Summary of Requirements
Summary of Requirements
 U.S. Trustees
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			FY 2017 Continuing Resolution			FY 2018 Technical and Base			FY 2018 Current Services		
	Positions	Actual FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Administration of Cases	(1,314)	1,088	225,908	(1,314)	1,184	225,479	(286)	(156)	0	(1,028)	1,028	225,479
Total Direct	(1,314)	1,088	225,908	(1,314)	1,184	225,479	(286)	(156)	0	(1,028)	1,028	225,479
Balance Rescission		0	0		0	0		0	0		0	0
Total Direct with Rescission		1,088	225,908		1,184	225,479		(156)	0		1,028	225,479
Reimbursable FTE												
Total Direct and Reimb. FTE		1,088	225,908		1,184	225,479		(156)	0		1,028	225,479
Other FTE:												
LEAP		0	0		0	0		0	0		0	0
Overtime		0	0		0	0		0	0		0	0
Grand Total FTE		1,088			1,184			(156)			1,028	
2018 Offsets												
Program Activity	Positions		Amount	Positions		Amount	Positions		Amount	Positions		Amount
Administration of Cases	0	0	0	0	0	0	(1,028)	1,028	225,479	0	0	0
Total Direct	0	0	0	0	0	0	(1,028)	1,028	225,479	0	0	0
Balance Rescission		0	0		0	0		0	0		0	0
Total Direct with Rescission		0	0		0	0		0	0		0	0
Reimbursable FTE		0	0		0	0		0	0		0	0
Total Direct and Reimb. FTE		0	0		0	0		1,028	225,479		1,028	225,479
Other FTE:												
LEAP		0	0		0	0		0	0		0	0
Overtime		0	0		0	0		0	0		0	0
Grand Total FTE		0			0			1,028			1,028	

Justifications for Technical and Base Adjustments

U.S. Trustees
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate	Amount
Pay and Benefits		FTE	
1 2018 Pay Raise - 1.9% This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount requested, \$2,294,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$1,833,000 for pay and \$461,000 for benefits.)	0	0	2,294
2 Annualization of 2017 Pay Raise - 2.88% This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88% included in the 2017 Continuing Resolution. The amount requested, \$1,165,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$531,000 for pay and \$234,000 for benefits).	0	0	1,165
3 Attrition and/or Administrative Savings To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	(32)	(32)	(4,625)
4 Health Insurance Effective January 2018, the component's contribution to Federal employees' health insurance increases by 8.3 percent. Applied against the 2017 estimate of \$10,470,000, the additional amount required is \$868,000.	0	0	868
5 Position Rebalancing Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	(254)	(124)	0
6 Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$227,000 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	227
Domestic Rent and Facilities			
1 Guard Service This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$71,000 is required to meet these commitments.	0	0	71
Subtotal, Pay and Benefits	(286)	(156)	(71)
TOTAL, DIRECT TECHNICAL and BASE ADJUSTMENTS	(286)	(156)	71

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability

U.S. Trustees
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover		Recoveries/Refunds		FY 2016 Availability	
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Refunds	Positions	Actual FTE	Amount
Administration of Cases	11,314	1,088	225,908	0	0	0	10,880	1,250	1,250	11,314	1,088	238,038
Total Direct	11,314	1,088	225,908	0	0	0	10,880	1,250	1,250	11,314	1,088	238,038
Balance Rescission			0				0	0	0			0
Total Direct with Rescission			0				0	0	0			0
Reimbursable FTE		0	225,908		0	0	10,880	1,250	1,250			238,038
Total Direct and Reimb. FTE		1,088			0						1,088	
Other FTE:												
LEAP FTE		0			0							0
Overtime		0			0							0
Grand Total, FTE		1,088			0						1,088	

Carryover:

The USTP used these funds for upward adjustments to obligations and to provide funding for non-recurring Program needs such as information technology replacement and facilities projects

Recoveries/Refunds:

The USTP used these funds for upward adjustments to obligations.

Crosswalk of 2017 Availability
 U.S. Trustees
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution			Reprogramming/Transfers			Carryover			Recoveries/Rebunds			FY 2017 Availability		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Amount	Amount	Rebunds Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Administration of Cases	1,314	1,184	225,479	0	0	0	10,478	0	0	1,314	1,184	235,957			
Total Direct	1,314	1,184	225,479	0	0	0	10,478	0	0	1,314	1,184	235,957			
Balance Rescission			0			0	0	0	0			0			
Total Direct with Rescission			0			0	0	0	0			0			
Reimbursable FTE		0	225,479		0	0	10,478		0			235,957			0
Total Direct and Reimb. FTE		1,184			0						1,184				
Other FTE:															
LEAP FTE		0			0							0			
Overtime		0			0							0			
Grand Total, FTE		1,184			0						1,184				

Carryover:

The USTP plans to use these funds for upward adjustments to obligations and to provide funding for debtor audits, section 341 meeting room security, and to address other program needs

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources

U.S. Trustees
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2015 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Office of Attorney Recruitment/Management	0	0	8	0	0	8	0	0	8	0	0	0
Budgetary Resources	0	0	8	0	0	8	0	0	8	0	0	0

Obligations by Program Activity	2015 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Administration of Cases	0	0	8	0	0	8	0	0	8	0	0	0
Budgetary Resources	0	0	8	0	0	8	0	0	8	0	0	0

Detail of Permanent Positions by Category
 U.S. Trustees
 Salaries and Expenses
 (Dollars in Thousands)

I - Detail of Permanent Positions by Category

Category	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb Pos.
Security Specialists (080)	2	0	2	0		0	0	2	0
Personnel Management (0200-0260)	110	0	110	0		-3	0	7	0
Clerical and Office Services (0300-0399)	95	0	95	0	66	0	0	161	0
Accounting and Budget (500-599)	19	0	19	0	-4	0	0	15	0
Paralegals / Other Law (900-999)	460	0	460	0	-231	0	0	229	0
Attorneys (605)	436	0	436	0	-176	0	0	360	0
Mathematics and Statistics Group	2	0	2	0	1	0	0	3	0
Information Technology Mgmt (2210-2299)	39	0	39	0	-6	0	0	33	0
Others	2	0	2	0	10	0	0	12	0
Contracting & Procurement	4	0	4	0	-1	0	0	3	0
Bankruptcy Analyst	245	0	245	0	-12	0	0	203	0
Total	1,314	0	1,314	0	-288	0	0	1,028	0
Headquarters Washington D.C.	125	0	125	0	-14	0	0	82	0
US Fields	1,189	0	1,189	0	-124	0	0	946	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	1,314	0	1,314	0	-288	0	0	1,028	0

Exhibit I - Detail of Permanent Positions by Category

Summary of Requirements by Object Class

U.S. Trustees
Salaries and Expenses
(Dollars in Thousands)

K. Summary of Requirements by Object Class

Object Class	FY 2016 Actual		FY 2017 Continuing		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE ^{1/}	Resolution Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	1,088	115,103	1,184	113,676	1,028	113,973	-156	297
11.3 - Other than full-time permanent	0	3,793	0	4,883	0	4,910	0	27
11.5 - Other personnel compensation	0	915	0	909	0	909	0	0
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	-3	0	-3	0	-3	0	0
Total	1,088	119,748	1,184	119,466	1,028	119,790	-156	324
Other Object Classes								
12.1 - Civilian personnel benefits		39,733		39,546		39,590		45
21.0 - Travel and transportation of persons		2,072		2,290		2,290		0
22.0 - Transportation of things		431		466		466		0
23.1 - Rental payments to GSA		24,117		23,822		23,822		0
23.2 - Rental payments to others		159		455		455		0
23.3 - Communications, utilities, and miscellaneous charges		3,126		3,284		3,284		0
24.0 - Printing and reproduction		48		53		53		0
25.1 - Advisory and assistance services		3,903		4,593		5,093		500
25.2 - Other services from non-federal sources		6,111		6,024		6,095		71
25.3 - Other goods and services from federal sources		21,326		23,480		21,233		-2,247
25.4 - Operation and maintenance of facilities		2,321		3,045		3,045		0
25.6 - Medical care		241		240		240		0
25.7 - Operation and maintenance of equipment		404		424		424		0
26.0 - Supplies and materials		733		883		883		0
31.0 - Equipment		3,052		3,268		3,268		0
32.0 - Land and structures		17		13		13		0
42.0 - Insurance claims and indemnities		18		18		18		0
Total Obligations		227,560		231,372		230,064		-1,308
Net of:								
Unobligated Balance, Start-of-Year		-10,880		-10,478		-4,585		5,893
Transfers/Reprogramming		0		0		0		0
Recoveries/Refunds		-1,250		0		0		0
Balance Rescission		0		0		0		0
Unobligated End-of-Year, Available		10,478		4,585		0		-4,585
Unobligated End-of-Year, Expiring		0		0		0		0
Total Direct Requirements		225,908		225,479		225,479		0
Reimbursable FTE	0		0		0		0	0
Full-Time Permanent								

^{1/} The official FTE estimate for FY 2017 is 1,184 FTEs; however, based on new administration priorities the USTP projects a revised operational estimate of 1,053 FTEs.

Congressional Submission

FOREIGN CLAIMS SETTLEMENT COMMISSION

U.S. Department of Justice

FY 2018 PERFORMANCE BUDGET

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I. Overview for the Foreign Claims Settlement Commission

I. Introduction

The Foreign Claims Settlement Commission (FCSC) is a small, independent, quasi-judicial agency organized for administrative purposes within the Department of Justice that has a high profile and important mission in FY 2018: distribute to U.S. victims of international terrorism monies paid to the United States by foreign governments and to continue to adjudicate claims of individuals for harms suffered during World War II. Currently, the FCSC is adjudicating the claims of U.S. victims of Iraqi actions during the Saddam Hussein era; referred to the Commission by the Department of State by letter dated October 7, 2014 (Iraq has already paid to the United States approximately \$400 million to satisfy these claims). Further, the Commission is continuing its adjudication of claims of U.S. victims of Libyan terrorism under a third referral from the Department of State dated November 27, 2013 pursuant to the Libya Claims Settlement Agreement. In addition, the Commission has begun its work under the Guam World War II Loyalty Recognition Act, Title XVII, Pub. L. No. 114-328, 130 Stat. 2000, 2641-2647 (2016), to adjudicate the claims of residents of Guam who were mistreated during the Japanese occupation of Guam during World War II. While the Commission anticipates that it will complete its work under its Libya program by the beginning of FY 2018, based on the projected number of claims in both the Iraqi and Guam programs and the complexity of issues associated with these claims, adjudication of claims in those programs will continue through FY 2018. In addition, depending on the movement of events internationally, other, similar programs can be anticipated.

The Commission consists of a Chairman and two part-time Commissioners, who are appointed by the President and confirmed by the Senate, as well as legal and non-legal secretariat staff. The Chairman and the part-time Commissioners receive compensation at the Executive Level V rate of pay for performance of official business of the Commission. The work of adjudicating claims and awarding compensation is necessarily labor-intensive, requiring legal and factual research on the part of Commission staff, and adjudicatory work by the members of the Commission. The majority of the Commission's budget is necessary for personnel costs. The bulk of the remainder is for fixed costs, including rent and guard service. While the operating expenses of the Commission are appropriated from taxpayer funds, in virtually all instances, the legislation authorizing the adjudication of claims has provided for deduction of 5% of the funds obtained from foreign governments in settlement of the claims adjudicated by the Commission. This amount is deposited to the credit of miscellaneous receipts in the United States Treasury to defray administrative expenses. The Commission understands that approximately \$20 million has been so deposited into the Treasury from the funds obtained under the Libya Claims Program alone.

To date, the Commission has administered and completed 48 international and war-related claims programs involving claims against 19 countries: Yugoslavia, Panama, Bulgaria, Hungary, Romania, Italy, the former Soviet Union, the former Czechoslovakia, Poland, Cuba, China, the former German Democratic Republic, Vietnam, Ethiopia, Egypt, Iran, Albania, the Federal Republic of Germany, Libya, and Iraq.

The Commission is prepared to provide any further information about the background of the Commission, its existing programs, and congressional interest in these programs.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>

2. Issues, Outcomes, and Strategies

In FY 2018, the Commission plans to continue its administration of the Iraq Claims Program. On June 21, 2011, the Department of State issued a press release announcing a settlement with the Government of Iraq in the amount of \$400 million to provide compensation for American nationals who were prisoners of war, hostages, or human shields during the first Gulf War, and for U.S. servicemen who were injured in the 1987 attack on the USS Stark. The Commission has thus far completed its adjudication of claims referred by the Department of State Legal Adviser's referral letter of November 14, 2012 pursuant to 22 U.S.C. § 1623 (a)(1)(C) and has now begun its adjudication of claims under the State Department's letter of referral dated October 7, 2014.

In FY 2018, the Commission also plans to continue its administration of the Guam Claims Program. The Guam World War II Loyalty Recognition Act, Title XVII, Pub. L. No. 114-328, 130 Stat. 2000, 2641-2647 (2016) (the "Guam Loyalty Recognition Act" or "Act") was signed into law on December 23, 2016. The Act authorizes the Commission to adjudicate claims and determine the eligibility of individuals for payments under the Act, in recognition of harms suffered by residents of Guam as a result of the occupation of Guam by Imperial Japanese military forces during World War II.

Furthermore, the Commission will continue to have authority under the International Claims Settlement Act of 1949, as amended, and the 1995 United States-Albanian Claims Settlement Agreement, to make awards in any additional claims against Albania that are filed. In addition, when appropriate, the Commission will continue to reopen and reconsider claims it had previously denied, taking into account the modification of the Albanian Claims Settlement Agreement effected in 2006.

Additionally, the Commission will research and respond to requests for information concerning properties expropriated by the Castro regime in Cuba, in support of the Department of State's continuing implementation of Title IV of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the "Helms-Burton Act"). The Commission continues to maintain and update a computerized database of some 13,000 records containing specific information on all of the claims adjudicated in its Cuban Claims Program. This database enables the Commission to respond more quickly and accurately to requests for information from the State Department and the general public.

Moreover, under the War Claims Act of 1948, as amended, the Commission will also continue to have authority to award compensation to any previously uncompensated American servicemen held as prisoners of war in Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment while in captivity.

In addition, the Commission will continue to furnish information contained in its records pertaining to the 48 completed international and war related claims programs it has conducted, as requested by claimants, their heirs, attorneys, researchers, and other members of the public. It will also provide to other U.S. agencies technical advice on their policy determinations, participate in preliminary planning and evaluation of pending claims legislation, and coordinate

with congressional committees considering legislation for adjudication of additional types of claims.

3. Challenges

External Challenges

The Commission's external challenges include the necessity of being continuously prepared for a workload dictated almost exclusively by changing international events, current and future claims programs enacted by Congress or referred to the Commission by the Department of State, and by the number of claims filed. This may require expansion of its staffing to meet the requirements of new programs. Its external challenges also include the need to notify and assist U.S. nationals in a timely fashion with filing and documenting their claims; familiarize them with the claims process; and respond efficiently to all inquiries by the public, Congress, and other federal agencies about current and past programs.

Internal Challenges

The Commission's internal challenges include maintaining and focusing the skills, expertise, and experience of its staff to assist claimants with claims against foreign governments, as well as to provide technical assistance in this area to the Department of State and other federal agencies upon request. At the same time, the Commission must continue its claims records modernization effort by improving and updating the information in its databases and on its website. The Commission intends to also concentrate efforts on increasing its transparency, by increasing the availability of its decisions and records to the public, particularly through electronic media.

II. Summary of Program Changes

No Program Changes

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, [\$2,374,000] \$2,409,000.

Analysis of Appropriations Language

No substantive changes are proposed.

IV. Program Activity Justification

A. Foreign Claims

<i>Foreign Claims</i>	Direct Pos.	Estimate FTE	Amount
2016 Enacted	11	7	\$2,374
2017 Continuing Resolution	11	11	\$2,369
Adjustments to Base and Technical Adjustments		0	\$40
2018 Current Services	11	11	\$2,409
2018 Request	11	11	\$2,409
Total Change 2017-2018		0	\$40

I. Program Description

The Commission has a single Decision Unit, and its mission is to protect the rights of U.S. citizens abroad and to promote the international rule of law through adjudication of claims brought by United States citizens against foreign governments.

The Commission currently pursues the following organizational goals:

- Issue well-reasoned and timely decisions in all claims against foreign governments adjudicated by the Commission.
- Provide notice to U.S. citizens of opportunities to enforce their rights against foreign governments under the Commission's authority and provide timely guidance and assistance in pursuing their claims.
- Certify all awards to the Department of State in a timely and accurate fashion to ensure prompt payment within the statutory guidelines set forth in the Commission's authorizing statutes.
- Ensure that the decisions of the Commission are widely available and accessible to, *inter alia*, researchers, international legal scholars, and government officials.
- Ensure readiness to administer, upon enactment of authorizing legislation or referral to the Commission by the Secretary of State, future programs for claims against foreign governments; and to advise Congress and other agencies concerning policy determinations relating to the settlement of international claims as well as potential future claims programs. Upon request, assist the Department of State in negotiations for the settlement of claims against foreign governments.

2. Performance and Resources Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Foreign Claims											
RESOURCES											
TYPE	Program Activity	Target		Actual		Projected		Changes		Requested (Total)	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		9	\$2,374	7	\$2,258	9	\$2,369			10	\$2,409
		Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)									
		PERFORMANCE									
	Adjudication of Claims										
		9	\$2,374	7	\$2,258	9	\$2,369	1	\$40	10	\$2,409

Data Definition, Validation, Verification, and Limitations: **INFORMATION REQUIRED.** Use this section to discuss data terms, data sources, how the information is collected, how the information is verified, and data limitations to include how well the indicator measures performance in this area

PERFORMANCE MEASURE TABLE										
Decision Unit:										
Performance Measure	Performance Report and Performance Plan Targets									
	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016		FY 2017	FY 2018	FY 2014	FY 2014
	Actual	Actual	Actual	Actual	Target	Actual	Target	Target	Target	Target
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

N/A = Data unavailable

3. Performance, Resources, and Strategies

The Commission is an independent agency. Its budget is fully integrated with its own priorities.

a. Performance Plan and Report for Outcomes

The Commission's activities are not included in the Department of Justice's performance plans or reports. However, in addition to its principal function of adjudicating claims of United States nationals against foreign governments, the Commission provides continuing informational services to claimants (and, where applicable, their legal successors) with regard to the 48 international and war claims programs it has concluded. It also provides advice to other Federal agencies on their policy determinations, preliminary planning, and evaluation of proposed legislation intended to authorize adjudication of claims of new categories of claimants, and liaison with congressional committees considering such legislation.

b. Strategies to Accomplish Outcomes

In FY 2018, the Commission will continue to adjudicate categories of claims referred to it by the Department of State within the scope of the Claims Settlement Agreement Between the Government of the United States of America and the Government of the Republic of Iraq, signed on September 2, 2010, including claims for compensation for American nationals who were prisoners of war, hostages, or human shields during the first Gulf War.

Additionally, the Commission will continue to adjudicate claims arising under the Guam World War II Loyalty Recognition Act, Title XVII, Pub. L. No. 114-328, 130 Stat. 2000, 2641-2647 (2016).

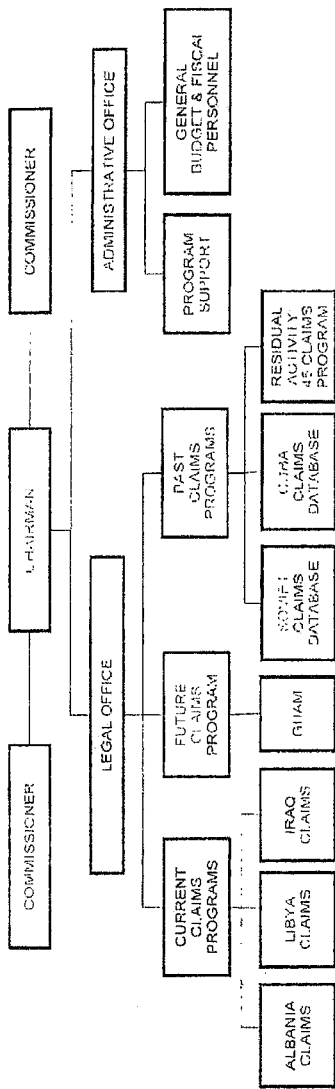
Under the International Claims Settlement Act of 1949, as amended, and the 1995 U.S.-Albanian Claims Settlement Agreement and the 2006 modification of that agreement, the Commission will continue to have authority to make awards in any additional claims against Albania that may be filed.

The Commission will also research and respond to requests for information concerning properties expropriated by the Castro regime in Cuba, in support of the Department of State's Continuing implementation of Title IV of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the "Helms-Burton Act"). In addition, the Commission will continue to engage in preliminary planning for a possible future program relating to Guam. The Commission will also provide, upon request, technical assistance to the Department of State in conducting government-to-government claims settlement negotiations.

Under the War Claims Act of 1948, as amended, the Commission will continue to have authority to award compensation to any previously uncompensated American servicemen held as prisoners of war in Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment while in captivity.

A: Organizational Chart

FOREIGN CLAIMS SETTLEMENT COMMISSION



Approved by: [Signature] Date: March 1, 2013

B. Summary of Requirements

Summary of Requirements
 Foreign Claims Settlement Commission
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted 1/	11	7	2,374
Total 2016 Enacted	11	7	2,374
2017 Continuing Resolution	11	11	2,374
2017 Rescission - 0.1901%	0	0	-5
Total 2017 Continuing Resolution	11	11	2,369
Base Adjustments			
Pay and Benefits	0	0	40
Total Base Adjustments	0	0	40
Total Technical and Base Adjustments	0	0	40
2018 Current Services	11	11	2,409
2018 Total Request	11	11	2,409
2017 - 2018 Total Change	0	0	40

^{1/} FY 2016 FTE is actual

B. Summary of Requirements

Summary of Requirements
Foreign Claims Settlement Commission
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Technical and Base Adjustments		FY 2018 Current Services			
	Positions	Actual FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	
Foreign Claims	11	9	2,374	11	11	2,369	0	11	11	2,409
Total Direct	11	9	2,374	11	11	2,369	0	40	11	2,409
Balance Rescission			0			0				0
Total Direct with Rescission			2,374			2,369		40		2,409
Reimbursable FTE			2,374			2,369		40		2,409
Total Direct and Reimb. FTE		9			11				11	
Other FTE:										
LEAP		0			0					
Overtime		0			0					
Grand Total, FTE		9			11					11

Program Activity	2018 Increases		2018 Offsets		2018 Request		
	Positions	Est. FTE	Positions	Est. FTE	Positions	Est. FTE	Amount
Foreign Claims	0	0	0	0	0	11	2,409
Total Direct	0	0	0	0	0	11	2,409
Balance Rescission							
Total Direct with Rescission							
Reimbursable FTE							2,409
Total Direct and Reimb. FTE							
Other FTE:							
LEAP		0		0		0	
Overtime		0		0		0	
Grand Total, FTE		0		0		11	

Justifications for Technical and Base Adjustments
 Foreign Claims Settlement Commission
 Salaries and Expenses
 (Dollars in Thousands)

	Positions	Estimate	Amount
Pay and Benefits		FTE	
1 2018 Pay Raise - 1.9% This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount requested, \$22,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$17,600 for pay and \$4,400 for benefits.)	0	0	22
2 Annualization of 2017 Pay Raise - 2.88% This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88% included in the 2017 Appropriation. The amount requested \$12,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$9,600 for pay and \$2,400 for benefits).	0	0	12
3 Attrition and/or Administrative Savings To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	0	0	-46
4 Health Insurance Health Insurance: Effective January 2018, the component's contribution to Federal employees' health insurance increases by 14 percent. Applied against the 2017 estimate of \$381,000, the additional amount required is \$52,000.	0	0	52
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	0	0	40
Subtotal, Pay and Benefits	0	0	40

Crosswalk of 2016 Availability
 Foreign Claims Settlement Commission
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover		FY 2016 Availability		
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Positions	Actual FTE	Amount
Foreign Claims	11	9	2,374	0	0	0	0	0	11	9	2,374
Total Direct	11	9	2,374	0	0	0	0	0	11	9	2,374
Balance Rescission			0								0
Total Direct with Rescission			2,374								2,374
Reimbursable FTE											0
Total Direct and Reimb. FTE											2,374
Other FTE:											
LEAP FTE											
Overtime											
Grand Total FTE		9			0					9	

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
 Foreign Claims Settlement Commission
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution		Reprogramming/Transfers		Carryover Amount	Recoveries/Refunds Amount	FY 2017 Availability	
	Positions	Est. FTE	Positions	Est. FTE			Positions	Est. FTE
Foreign Claims	11	11	0	0	0	0	11	2,369
Total Direct	11	11	0	0	0	0	11	2,369
Balance Rescission			0	0	0	0		0
Total Direct with Rescission								
Reimbursable FTE		0		0				2,369
Total Direct and Reimb. FTE		11		0				
Other FTE:								
LEAP FTE		0		0				0
Overtime		0		0				0
Grand Total, FTE		11		0				11

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
 Foreign Claims Settlement Commission
 Salaries and Expenses
 (Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution			FY 2018 Request				
	Direct Pos	Reimb Pos	Direct Pos	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos	Total Reimb. Pos	Total Reimb. Pos
Clerical and Office Services (0300-0399)	4	0	4	0	0	0	0	4	0	0
Accounting and Budget (500-599)	1	0	1	0	0	0	0	1	0	0
Paralegals / Other Law (900-998)	1	0	1	0	0	0	0	1	0	0
Attorneys (905)	5	0	5	0	0	0	0	5	0	0
Total	11	0	11	0	0	0	0	11	0	0
Headquarters Washington D.C.	11	0	11	0	0	0	0	11	0	0
US Fields	0	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0	0
Total	11	0	11	0	0	0	0	11	0	0

Summary of Requirements by Object Class
 Foreign Claims Settlement Commission
 Salaries and Expenses
 (Dollars in Thousands)

K. Summary of Requirements by Object Class

Object Class	FY 2016 Actual		FY 2017 Continuing		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Resolution Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	7	735	11	1,155	11	1,136	0	-19
11.3 - Other than full-time permanent	0	125	0	108	0	108	0	0
11.5 - Other personnel compensation	0	0	7	0	0	0	0	0
<i>Overline</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	0	0	0	0	0	0	0
Total	7	867	11	1,263	11	1,244	0	-19
Other Object Classes								
12.1 - Civilian personnel benefits		266		381		440		59
21.0 - Travel and transportation of persons		11		12		12		0
22.0 - Transportation of things		15		15		15		0
23.1 - Rental payments to GSA		365		413		413		0
23.2 - Rental payments to others		17		17		17		0
23.3 - Communications, utilities, and miscellaneous charges		14		14		14		0
24.0 - Printing and reproduction		7		5		5		0
25.1 - Advisory and assistance services		43		43		43		0
25.2 - Other services from non-federal sources		52		52		52		0
25.3 - Other goods and services from federal sources		587		137		137		0
25.6 - Medical care		1		1		1		0
25.7 - Operation and maintenance of equipment		2		2		2		0
26.0 - Supplies and materials		11		12		12		0
31.0 - Equipment		0		2		2		0
Total Obligations		2,258		2,369		2,409		40
Net of:								
Unobligated Balance, Start-of-Year		0		0		0		0
Transfers/Reprogramming		0		0		0		0
Recoveries/Refunds		0		0		0		0
Balance Rescission		0		0		0		0
Unobligated End-of-Year, Available		0		0		0		0
Unobligated End-of-Year, Expiring		116		0		0		0
Total Direct Requirements		2,374		2,369		2,409		40
Reimbursable FTE								
Full-Time Permanent	0		0		0		0	

**United States Marshals Service
FY 2018 Performance Budget
President's Budget**

**Salaries & Expenses and Construction
Appropriations**



May 2017

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I. Overview for the United States Marshals Service (USMS)

A. Introduction

The USMS requests \$1,252,000,000 for the Salaries and Expenses (S&E) appropriation to fund 4,982 positions, 3,708 Deputy U.S. Marshals (DUSMs), 22 Attorneys, and 4,802 full time equivalent (FTE) excluding reimbursable FTE. This request is an increase of \$23,758,000 from the FY 2017 Continuing Resolution. The Adjustments to Base (ATBs) include a Department-wide workforce rightsizing initiative mandated by the Attorney General, which translates into a USMS reduction of 572 positions, 426 DUSMs, and 74 FTEs.

The USMS also requests \$14,971,000 for the Construction appropriation, equal to the FY 2017 Continuing Resolution.

Budget	Salaries & Expenses			Construction	Total
	Positions	FTE	Amount (\$000)	Amount (\$000)	Amount (\$000)
FY 2016 Enacted	5,554	4,876	\$1,230,581	\$15,000	\$1,245,581
FY 2017 Request	5,554	4,876	\$1,228,242	\$14,971	\$1,243,213
FY 2018 Request	4,982	4,802	\$1,252,000	\$14,971	\$1,266,971

The USMS request includes 100 positions and approximately \$115,009,000 for information technology (IT) program. The USMS supports major IT areas such as mission modernization (the Capture initiative), tactical radio infrastructure, IT helpdesk support, wide and local area networking, voice communications support for voice and video teleconferencing, Unified Financial Management System (UFMS) program implementation, secured systems for protective operations and other IT-related services performing security and associated functions supporting law enforcement missions and administrative operations.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

B. Organizational Background

History

The Judiciary Act of 1789 established the original 13 federal judicial districts and called for appointment of a Marshal for each district. The Senate confirmed President Washington's nomination of the first Marshals on September 26, 1789.

The Attorney General began supervising the Marshals in 1861. Marshals have been under the purview of the Department of Justice (DOJ) since the Department's creation in 1870. In 1956,

the Deputy Attorney General established the Executive Office for United States Marshals as the first organization to supervise the Marshals nationwide. On May 12, 1969, DOJ Order 415-69 established the U.S. Marshals Service, with its Director appointed by the Attorney General. On November 18, 1988, the USMS was officially established as a bureau within the Department under the authority and direction of the Attorney General with its Director appointed by the President.

Mission

As America's first federal law enforcement agency, the USMS is considered the Nation's Police Force, and is responsible for protecting, defending, and enforcing the American justice system. The USMS protects the judicial process, the cornerstone of American democracy. The USMS uses the influence and reach gained through its accomplished history and broad authority to collaborate with other federal, state, local, and international law enforcement agencies, as well as with concerned citizens and members of the judiciary, to form a united front against crime.

The USMS strategic plan identifies mission challenges and strategies to mitigate these challenges. This road map guides resource investment, establishes the steps to improve operational performance, and positions the USMS to meet future challenges. Over the past few years, USMS has successfully executed its broad mission authority even as executive mandates and congressional legislation have resulted in dynamic growth across program areas, often without the corresponding support infrastructure. To successfully implement the strategic plan while continuing to excel in executing the mission, transformational change is required. Therefore, the plan addresses workforce and infrastructure in addition to the mission areas.

U.S. Marshals Perform a Wide Range of Duties

The USMS is the nation's oldest and most versatile federal law enforcement agency. Since 1789, federal marshals have served the nation in a variety of vital law enforcement roles. The USMS consists of 94 district offices and personnel stationed at more than 400 locations throughout the 50 states, Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and the District of Columbia Superior Court. A U.S. Marshal, who is appointed by the President or the Attorney General, heads each district. The USMS headquarters is located in the Washington, D.C. area.

The USMS occupies a uniquely central position in the federal justice system, and is involved in virtually every federal law enforcement initiative. Approximately 5,000 Deputy Marshals and career employees execute the following nationwide, day-to-day assignments:

- apprehending fugitives;
- executing court orders and arrest warrants;
- protecting members of the judicial family (judges, attorneys, witnesses, and jurors);
- providing physical security in courthouses;
- transporting and producing prisoners for court proceedings;
- safeguarding endangered government witnesses and their families; and
- seizing assets gained by illegal means, and providing for the custody, management, and disposal of forfeited assets.

All USMS duties and responsibilities emanate from its core mission to ensure the safe, effective functioning of the federal judicial process.

Fugitive Apprehension

Deputy U.S. Marshals can be found:

- conducting domestic and international fugitive investigations;
- working closely on fugitive task forces and special cases with local, state, federal, and international law enforcement agencies;
- planning and implementing extraditions and deportations of fugitives;
- conducting financial and technical surveillance on specific fugitive investigations; and
- serving court papers, which is also known as service of process.



Judicial and Courthouse Security

Deputy U.S. Marshals can be found:

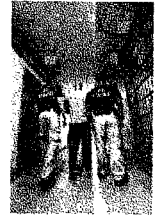
- in court with defendants in custody;
- protecting judges, prosecutors and witnesses;
- conducting threat analyses and investigations;
- conducting courtroom and courthouse security;
- planning courthouse facility renovations;
- managing courthouse security systems; and
- conducting courthouse and residential security surveys.



Prisoner Security and Transportation

Deputy U.S. Marshals can be found:

- fingerprinting all defendants in the federal court system;
- securing prisoners and defendants in custody in the cellblock;
- transporting prisoners and defendants in custody between the jail and courthouse, between federal judicial districts and states;
- receiving prisoners from other federal law enforcement agencies;
- providing prisoner housing and other services related to federal detainees; and
- conducting jail inspections.



Protection of Witnesses

Deputy U.S. Marshals can be found:

- protecting government witnesses;
- producing protected witnesses for court proceedings, and
- re-documenting and relocating protected witnesses.



Asset Forfeiture

Deputy U.S. Marshals can be found:

- seizing, managing and disposing of forfeited assets.



Operations Support

Deputy Marshals can be found:

- performing security, rescue, and recovery activities for natural disasters and civil disturbances;
- planning and implementing emergency operations including Continuity of Government activities;
- performing audits and inspections of U.S. Marshals operations;
- providing protection for the Strategic National Stockpile; and
- protecting America through constant readiness, incident management, operations, and training critical to mission success.



U.S. Marshals Service Responds to Shifting Priorities

The role of the U.S. Marshals has profoundly impacted the history of the United States since the time when America was expanding across the continent into the western territories. With changes in prosecutorial emphasis, the mission of the USMS has transitioned as well. In more recent history, law enforcement priorities have shifted with changing social mandates. Examples include:

- In the 1960s, DUSMs provided security and escorted Ruby Bridges and James Meredith to school following federal court orders requiring segregated Southern schools and colleges to integrate.

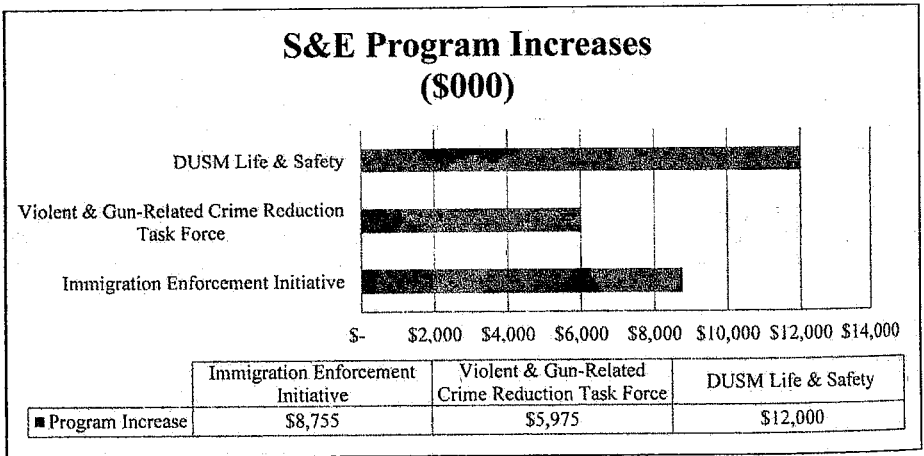
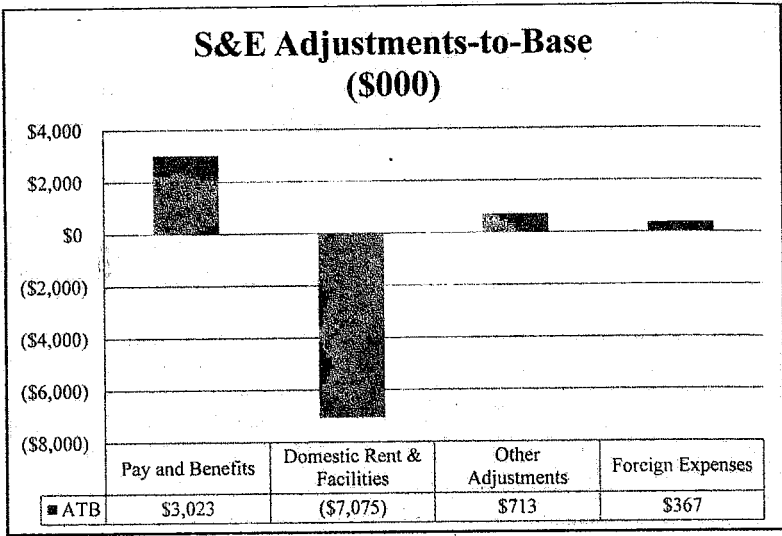
In 1973, the Drug Enforcement Administration (DEA) was created, resulting in a greater focus on drug-related arrests. The USMS immediately faced rapidly increasing numbers of drug-related detainees, protected witnesses, and fugitives.
- The Presidential Threat Protection Act of 2000 (Public Law (P.L.) 106-544) directed the USMS to provide assistance to state and local law enforcement agencies in the location and apprehension of their most violent fugitives. As a result, the USMS increased the size and effectiveness of its regional and district-based fugitive apprehension task forces, thus providing a critical "force multiplier" effect that aids in the reduction of violent crime across the nation.

- Expansion of illegal immigration enforcement activities, including the implementation of Operation Streamline in 2005, increased federal prosecutions of immigration offenders and resulted in a significant increase in the USMS' prisoner and fugitive workload along the Southwest Border.
- The Adam Walsh Child Protection and Safety Act of 2006 (AWA) (P.L. 109-248) strengthened federal penalties by making the failure to register (FTR) as a sex offender a federal offense. This Act directs the USMS to "assist jurisdictions in locating and apprehending sex offenders who violate sex offender registry requirements." In response, the USMS established the Sex Offender Investigative Branch (SOIB) and opened the National Sex Offender Targeting Center (NSOTC) to carry out its mission to protect the public by bringing non-compliant sex offenders to justice and targeting offenders who pose the most immediate danger to the public in general and to child victims in particular.
- The Child Protection Act of 2012 (P.L. 112-206) provides additional administrative authorities to prosecutors and law enforcement agencies to further combat sex crimes involving children, including administrative subpoena authority, to the USMS Director for cases involving unregistered sex offenders.
- The Justice for Victims of Trafficking Act of 2015 (P.L. 114-22) clarified USMS authority to assist state, local, and other federal law enforcement agencies in locating and recovering missing children upon request. Previously, the USMS was only authorized to assist with missing child cases in which a warrant was already in place for the suspected abductor/companion. This new authority eliminated the need for a warrant, allowing the USMS to immediately support missing child cases.
- In 2016, the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (P.L. 114-119) was enacted. This law assigned a critical role in vetting and providing notification of sex offenders traveling abroad to the USMS National Sex Offender Targeting Center (NSOTC). Under the law, the Department of Homeland Security (DHS) will operate an Angel Watch Center (AWC) within Immigration and Customs Enforcement (ICE). The AWC will provide the NSOTC manifests of registered sex offenders who have scheduled travel within 72 hours. The NSOTC is then required to vet the manifests to identify "covered sex offenders" (i.e., the victim is less than 18 years of age) for the AWC.

In addition to these priorities, because more federal resources are dedicated to apprehension and prosecution of suspected terrorists, the USMS is constantly assessing and responding to demands for high-level security required for many violent criminal and terrorist-related court proceedings.

C. USMS Budget

The USMS' total request of \$1,266,971,000 consists of \$1,252,000,000 for the S&E appropriation and \$14,971,000 for the Construction appropriation. The requested funding provides the necessary resources for the USMS to maintain and enhance its core functions and increase priority areas. The chart below exhibits the cost distribution of base adjustments.



Total S&E ATBs for FY 2018 are a decrease of \$2,972,000 from the FY 2017 Continuing Resolution funding level. The Construction request is equal to the FY 2017 Continuing Resolution funding level.

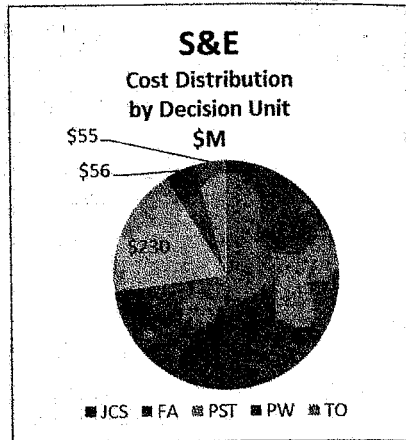
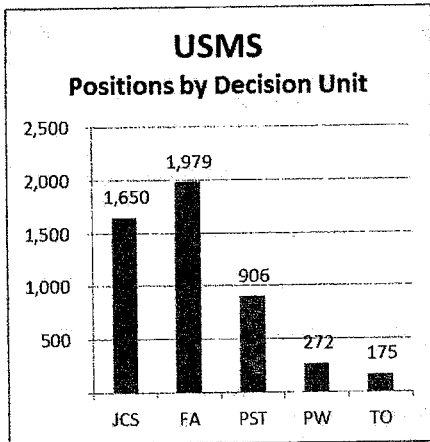
The USMS also receives reimbursable and other indirect resources from a variety of sources. Some of the larger sources include:

- The Administrative Office of the United States Courts (AOUSC) provides funding for administering the Judicial Facility Security Program.
- The Assets Forfeiture Fund (AFF) provides funding for managing and disposing seized assets.
- The Fees and Expenses of Witnesses (FEW) appropriation provides funding for securing and relocating protected witnesses.
- The Organized Crime Drug Enforcement Task Force (OCDETF) provides funding for apprehending major drug case fugitives.

The USMS S&E budget is divided into five decision units. These decision units contain the personnel and funds associated with the following missions:

- **Judicial and Courthouse Security (JCS)** – Ensures a safe and secure environment for federal judicial proceedings. Anticipates and deters threats to the judiciary; maintains the ability to deploy protective measures at any time; and, implements the necessary security measures for all federal court facilities.
- **Fugitive Apprehension (FA)** – Enhances the safety and security of our communities nationwide by locating and apprehending federal fugitives, egregious state or local fugitives, and non-compliant sex offenders. Creates and maintains cooperative working relationships with federal, state, local, and foreign law enforcement agencies; develops national expertise in sophisticated technical operations; conducts psychological assessments of sex offenders; and, collects and shares criminal intelligence. This decision unit includes management and disposal of DOJ’s seized and forfeited assets.
- **Prisoner Security and Transportation (PST)** – Ensures safe and humane custody of all federal prisoners from time of arrest until the prisoner is acquitted, arrives at a designated Federal Bureau of Prisons facility to serve a sentence, or is otherwise ordered released from U.S. Marshal’s custody. Provides housing, medical care, and transportation throughout the United States and its territories; produces prisoners for all court-ordered appearances; and, protects their civil rights throughout the judicial process.
- **Protection of Witnesses (PW)** – Provides for the security, health, and safety of government witnesses and their immediate dependents whose lives are in danger as a result of their testimony against drug traffickers, terrorists, organized crime members, and other major criminals.
- **Tactical Operations (TO)** – Ensures the USMS is able to respond immediately to any situation involving high-risk/sensitive law enforcement activities, national emergencies, civil disorders, or natural disasters. Maintains a specially trained and equipped tactical unit deployable at any time; provides explosive detection canines; operates a 24-hour Emergency Operations Center; and, ensures Incident Management Teams and Mobile Command Centers are always available.

The charts below represent the position and cost distribution by decision unit for FY 2018.



D. Sustainability

At the start of FY 2017, the USMS relocated to its new Headquarters in Arlington, Virginia. The relocation resulted in a reduction of 53,000 square feet of space. The USMS upcycled 1,289 pieces of furniture to the new building, and re-purposed 8,211 pieces of furniture by working with district offices, the General Services Administration (GSA), and other federal agencies. In addition, UNICOR recycled 1,335 pieces of old and obsolete electronics. The new Headquarters includes numerous energy efficient features such as daylight harvesting sensors, water conserving faucets, time zone and motion sensor Light Emitting Diode (LED) lighting, and energy-saving tinted window film. These improvements yielded a Leadership in Energy and Environmental Design (LEED) Certification from the GSA.

To increase sustainability, the USMS currently uses shared multifunctional devices (MFD) to print, copy, scan, and fax. The purchase of new, energy efficient MFD services allows the USMS to excess/recycle 962 smaller, less capable devices with a plan in place to excess/recycle an additional 178 units by the end of September 2017. Following completion of the second excess/recycle wave, only 40 individual devices will remain within headquarters. The new MFD units reduced build-out costs requiring less data drops and switch ports.

The USMS welcomes input from employees and members of its Green Team for innovative ideas promoting sustainability, energy and water conservation, and how to improve environmental awareness. The USMS has two Environmental Management System programs to help manage and track Greenhouse Gas emissions from its fleet of vehicles including aircraft operated by the Justice Prisoner and Alien Transportation System.

The USMS continues to encourage personnel to utilize teleworking, public transportation, ride sharing, or bicycling to commute to and from assigned work locations. In FY 2016, the USMS increased the number of employees participating in the federal transit subsidy program by 3.8 percent over FY 2015. In addition, telework participation increased by 138 percent from

FY 2015 to FY 2016. The USMS also received the 2016 Platinum Level award from Arlington County for implementing sustainable transportation programs including vanpools at the new Headquarters facility.

E. Challenges

The USMS continues to analyze cost savings measures for economies of scale; communicate transparently with the Department, Office of Management and Budget (OMB), and Congress; and pursue resources to accomplish the USMS' core mission, operate programs, improve detention management, ensure officer safety, and provide the highest possible security for the federal judicial process.

Mission Modernization

The USMS needs to modernize mission critical technology by upgrading operational infrastructure to increase operational and support effectiveness. The Justice Detainee Information System (JDIS) is the USMS' primary operational mission system. The current configuration and support for JDIS lack stability, scalability, centralization, and are no longer technologically sustainable. System capabilities do not meet current operational mission requirements effectively or efficiently. Moreover, JDIS does not easily interface with external local, state, and federal partners for complex data sharing.

Capture Initiative: In FY 2016, the USMS began to integrate required IT solutions with existing systems to maximize the government's return on investment. The development of Capture is expected to take four years at a cost of approximately \$107,000,000. Capture incorporates a comprehensive integration and improvement of all current USMS operational business and mission capabilities (automated and manual), a consolidation of operational data, and an improvement of operational business processes at headquarters and in the field.

Since it is important to retire JDIS legacy system functionalities, the USMS has established a release plan for mission functions that consists of six deployments from FY 2018 to FY 2020. The transformation to implement Capture will be accomplished, in part, with a new web-based solution that enables user access from multiple platforms (i.e., desktops, tablets, and mobile phones) in a manner which is intuitive for each distinctive USMS line of business.

Today, if a deputy wants to retrieve all known data on a specific prisoner, they must access multiple applications on different systems and manually search filing cabinets to consolidate information about the detainee. Capture will implement an electronic master prisoner record which will provide biographic information, warrants, associates, detainees' current location, and other relevant details. Access to the master prisoner record will increase officer safety by making information about prisoner gang relationships, medical issues, or violent tendencies readily available. Deputies will access data using mission applications on the device that best supports their mission.

The USMS uses a line of business (LoB) model within Capture to ensure that it meets the needs of the organization. Three major LoBs support the activities of Salaries and Expenses decision units: Investigations, Security Management, and Prisoner Management.

- Investigations – This LoB links management, tracking, reporting, data interchange and administrative activities to support subject investigations, protective investigations, financial asset investigations, service of process, enforcement and tactical operations, and the implementation of the DOJ violent crime reduction strategy, as well as criminal intelligence collection and sharing that results from these activities. Other enforcement activities covered by this LoB include sex offender registry compliance checks; investigative activities such as electronic, air, and financial surveillance; and other agency resources that support investigations. In addition, the LoB includes Office of Emergency Management activities related to deployment of resources during times of crisis and natural disasters.
- Security Management – The Security Management LoB incorporates all activities related to securing spaces where a USMS footprint exists. This LoB is organized into four mission functions: Facility Management, Security Officer Management, Security Systems Management, and Protective Operations Management.
- Prisoner Management – This LoB spans the entire prisoner lifecycle from arrest through commitment and release, and encompasses medical support, prisoner transportation, and other logistics during imprisonment. Specifically, this LoB includes management of prisoner booking; custody and court case records; production of the detainee at trial appearances; designation of prisoners to facilities; facility vacancy management; and financial tracking of transportation costs with affiliated local, state, and federal agencies. Similar to other LoBs, Prisoner Management also contains reporting, data exchange, and administrative activities. Prisoner Management includes eight mission functions: Intakes, Custodies, Designation, Facilities and Inspections, Financial and Billing, Productions, Transportation and Medical Management.

Implementation of Capture is a mission-critical priority for the USMS. It will create efficiencies and benefit the USMS through:

- Significant improvement in operational business capabilities to enhance intelligence gathering, reporting, and decision-making that enhance and emphasize officer safety.
- Significant improvement in data management, retrieval, and reporting capabilities that make timely, integrated information available not only to the USMS but also to other federal, state, and local law enforcement agencies. As the USMS identifies and develops solutions beneficial to the USMS and the Department, it will strengthen its partnerships with DOJ components, other agencies, and state and local law enforcement. These efforts will improve the USMS' ability to discover information and generate knowledge, providing the USMS integrated, seamless, and reliable systems that are readily accessible to relevant data.
- Advanced enterprise data security which implements role-based access controls at the enterprise level, ensuring data can only be accessed by those with a need to know.
- Cost avoidance in man-hours spent manually searching, cleansing, consolidating, and analyzing data.
- Fielding integrated systems with configuration and support that are stable, scalable, centralized, and technologically sustainable.

Reporting and analytics which will enable the integration of operational and administrative data management with analytical capability. This will include analytical tools, conversion to digital format, data sharing, electronic recording, geospatial map displays, search, security, data storage, and enterprise reporting.

Hiring Challenges

The USMS must establish a workforce structure that maximizes personnel availability for the full scope of duties and responsibilities throughout the agency. Hiring process regulations and the background investigation backlog are obstacles to staffing mission-critical positions.

The Office of Personnel Management (OPM)'s focus on increasing the number of applicants without streamlining applicant review, certification, and selection negatively affects the time required to fill vacancies without a measurable difference in applicant quality. To address the background investigation backlog, the USMS is exploring a variety of options: partnering with other DOJ components, working with OPM to alleviate bottlenecks, and seeking authority to conduct USMS background investigations.

Lack of excepted service hiring/appointment authority (EHA) and critical resources need to address the dynamic workload. The USMS faces a challenge in maintaining an agile hiring environment for law enforcement personnel, and requires additional resources to address changes from external workload drivers. Obtaining EHA for initial entry DUSMs will provide a more responsive hiring process, enable the USMS to react more quickly to changing hiring needs while retaining the merit principles of federal recruitment, and allow for targeted recruiting to strengthen diversity. In addition to these factors, the Department is pursuing EHA to achieve equity across all law enforcement components, establish a longer probationary evaluation period, and lower recruitment cost and time. The USMS also requires operational and administrative positions to respond to an uneven workload distribution that is driven by external factors such as crime initiatives, the number of arrests by federal law enforcement components, prosecutorial discretion, service of process requests, and judiciary resources.

Sound Cyclical Replacement of Mission-Critical Equipment

Resources for annual cyclical replacement of body armor, vehicles, radios, and surveillance equipment are imperative to ensure officer safety. Deputies and law enforcement partners also require regular, consistent training to maintain a culture of officer safety. USMS operational and technology infrastructure is stretched beyond its physical capacity. Protective gear, surveillance equipment, and vehicles are being used beyond their useful life cycles; and information technology infrastructure and communications have not kept up with technological advances.

Fugitive Apprehension

On the front lines every day, DUSMs reduce violent crime and make local communities safer. However, as society and technology evolve, even "routine" interactions with the criminal element become inherently dangerous. The USMS must continue to mitigate risk to its personnel and law enforcement partners by continuously reviewing and updating policies, procedures, equipment, and training as well as implementing a clear, consistent, standardized approach to fugitive apprehension in all scenarios, both within the United States and overseas.

Non-Compliant Sex Offenders

The Adam Walsh Child Protection and Safety Act (AWA) of 2006 designated the USMS as the lead law enforcement agency for apprehension of non-compliant sex offenders. Of the approximately 843,000 registered sex offenders nationwide, as many as 100,000 are estimated to be non-compliant with registration requirements. In response, the USMS has taken an aggressive approach toward protecting society from these violent offenders and child predators. While the USMS vigorously pursues AWA violators, these cases are becoming more complex.

Protecting the Judicial Process

The USMS must meet the challenges associated with an ever-expanding social media cyber threat and rapid technological enhancements. This includes having the very best intelligence, behavioral, and threat analysis; risk assessment methodologies; training of law enforcement and administrative personnel; maximizing workforce utilization; and, ensuring accountability and integrity of USMS programs, personnel, and financial activities through compliance review.

Intelligence Strategy

The change in terrorist tactics from large-scale attacks involving many actors to small-scale, individual attacks highlights the need for new intelligence resources to ensure the protection of the judicial process. By investing resources in positions, technology, and training, the USMS can leverage its unique position to gather information from fugitive investigations and interactions with detainees.

Investment in Security Systems

To address current and emerging threats, the USMS is engaged in a nationwide initiative to modernize physical access control of all court facilities. Modernization of courthouse Physical Access Control Systems (PACS) by the Administrative Office of the U.S. Courts (AOUSC) requires a large investment of resources by the USMS. The USMS needs to capitalize on this opportunity and address a long list of safety and security construction projects. Funding of both AOUSC PACS and USMS construction needs ensures efficient and effective projects that realize economies of scale and save the taxpayer money.

The USMS is employing a risk-based approach using the most up-to-date information available regarding current and future vulnerabilities and threats to prioritize the list of facilities. The goal is a more modern, reliable, and sustainable PACS which will strengthen the Judicial Facility Security Program (JFSP) and comply with all current federal policies, directives, guidelines, and standards governing the physical security of federal facilities. Additionally, employing an enterprise approach to administration and lifecycle management will result in more cost-effective and strategic responses to changing conditions and implementation of new technology.

Risk Management

The risk of continued employee misconduct, without proactive mitigation efforts, harms the public, the reputation of the USMS, and the Department of Justice. Use-of-force incidents and firearm discharges involving task force officers require timely investigation. USMS is working to expedite the review cycle and institute follow-up reviews to better mitigate agency-wide risks.

Detention Operations

Law enforcement and prosecutorial priorities and larger legislative reforms such as immigration reform, Southwest Border initiatives, and changes to sentencing guidelines directly impact USMS detention resource requirements. To meet these challenges, the USMS continues to reform business practices to optimize national detention operations. This transformation will include robust interagency and non-governmental collaboration efforts to develop innovative solutions that effectively forecast and manage prisoner processing, housing, transportation, and medical care.

II. Summary of Program Changes

Item Name	Description	Positions	FTE	Amount (\$000)	Page
Deputy U.S. Marshal Life and Safety	For cyclical replacement of body armor, radios, vehicles, and surveillance equipment; and Special Operations Group (SOG) recertification and equipment. This funding would enable the USMS to replace mission critical equipment and maintain required tactical skills on a regular annual basis.	0	0	\$12,000	68
Immigration Enforcement Initiative	To support the Administration's efforts to enhance border security and immigration enforcement. The USMS will increase the number of Deputy U.S. Marshals who apprehend and transport criminal aliens.	40	20	\$8,755	77
Violent and Gun-Related Crime Reduction Task Force	Multi-agency focus on reducing violent and gun-related crime in hard-hit urban areas by using innovative means to locate individuals, organizations, and gangs within specific high crime jurisdictions. Resources will support short-term deployment of Federal law enforcement personnel to select urban areas to foster community awareness of criminal elements living, networking, and thriving in their communities.	0	0	\$5,975	80

III. Appropriations Language and Analysis of Appropriations Language

United States Marshals Service

Salaries and Expenses

For necessary expenses of the United States Marshals Service, [\$1,230,581,000] \$1,252,000,000 of which not to exceed \$6,000 shall be available for official reception and representation expenses, and not to exceed \$15,000,000 shall remain available until expended.

Construction

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, [\$15,000,000] \$14,971,000, to remain available until expended.

Analysis of Appropriation Language

S&E: No substantive changes proposed.

Construction: For clarification purposes, the support costs related to the Construction Appropriation shall include contract-related costs that are necessary to efficiently and effectively manage the corresponding workload associated in executing these construction projects.

IV. Program Activity Justification

A. Judicial and Courthouse Security

<i>Judicial and Courthouse Security</i>	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	2,222	1,880	\$472,738
2017 Continuing Resolution	2,222	1,880	\$463,366
Adjustments to Base and Technical Adjustments	(586)	(297)	(\$39,266)
2018 Current Services	1,636	1,583	\$424,100
2018 Program Increases	14	7	\$4,890
2018 Request	1,650	1,590	\$428,990
Total Change 2017-2018	(572)	(290)	(\$34,376)

<i>Construction</i>	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	0	0	\$15,000
2017 Continuing Resolution	0	0	\$14,971
Adjustments to Base and Technical Adjustments	0	0	\$0
2018 Current Services	0	0	\$14,971
2018 Program Increases	0	0	\$0
2018 Request	0	0	\$14,971
Total Change 2017-2018	0	0	\$0

<i>Judicial and Courthouse Security and Construction – TOTAL</i>	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	2,222	1,880	\$487,738
2017 Continuing Resolution	2,222	1,880	\$478,337
Adjustments to Base and Technical Adjustments	(586)	(297)	(\$39,266)
2018 Current Services	1,636	1,583	\$439,071
2018 Program Increases	14	7	\$4,890
2018 Request	1,650	1,590	\$443,960
Total Change 2017-2018	(572)	(290)	(\$34,376)

<i>Judicial and Courthouse Security – IT Breakout (of Decision Unit Total)</i>	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	41	41	\$47,249
2017 Continuing Resolution	40	40	\$43,095
Adjustments to Base and Technical Adjustments	0	0	\$2,908
2018 Current Services	40	40	\$46,003
2018 Program Increases	0	0	\$0
2018 Request	40	40	\$46,003
Total Change 2017-2018	0	0	\$2,908

1. Program Description

The Judicial and Courthouse Security decision unit includes personal protection of federal jurists, court officers, and other threatened persons where criminal intimidation impedes the functioning of the judicial process or any other official proceeding or as directed by the Attorney General; facility security, including security equipment and systems to monitor and protect federal court facilities; and security of in-custody defendants during court proceedings.

The USMS establishes security by assessing the potential threat, developing security plans based on risks and threat levels, and assigning the level of appropriate security resources required to maintain a safe environment and protect the federal judicial process. High-security, high-profile events such as cases involving domestic and international terrorists, domestic and international organized criminal organizations, drug traffickers, gangs, and extremist groups require extensive operational planning and support from specially trained and equipped personnel.

To ensure that protected members of the judicial family remain unharmed and the judicial process is unimpeded, DUSMs are assigned to the 94 judicial districts (93 federal districts and the Superior Court of the District of Columbia). The USMS also assigns a Judicial Security Inspector (JSI) to each district to provide specialized knowledge, skills, and competencies for evaluating security at federal court facilities and off-site for judges, prosecutors, and other protectees. Additionally, the USMS has apportioned inspectors to each of the 12 judicial circuits to supervise protective operations when additional personal security is required due to threat-related activity.

Protective Intelligence

The USMS and FBI work together to assess and investigate all inappropriate communications received. The FBI has responsibility for investigating threats for the purpose of prosecution. The USMS conducts protective investigations that focus on determining a suspect's true intent, motive, and ability to harm the targeted individual, regardless of the possibility for prosecution. These investigations are the USMS' highest priority and involve the systematic discovery, collection, and assessment of available information.

The USMS' Office of Protective Intelligence (OPI) provides guidance and oversight to district offices for investigation of threats and inappropriate communications directed at USMS protected persons and facilities. The OPI serves as the central point of intelligence and information related to the safety and security of members of the judiciary and other USMS protectees. The protective intelligence information OPI collects, analyzes, and disseminates to districts ensures appropriate measures are put into place to protect the judicial process.

Judicial Facility Security Program

The USMS administers the JFSP, funded through the Court Security Appropriation within the federal judiciary. Central to JFSP's mission is the management of approximately 5,100 contracted Court Security Officers (CSOs) who provide physical security at more than 400 court facilities throughout the nation.

In addition to maintaining physical security of federal courthouses, the USMS develops and implements electronic security system installation plans to protect courthouses. These capabilities are critical to the safety of judicial officials, courtroom participants, the general public, and USMS personnel. Cameras, duress alarms, remote door openers, and other security devices improve overall security posture. When incidents occur, the USMS is equipped to record events, monitor personnel and prisoners, and send additional staff to identify and stabilize situations requiring a tactical response.

2. Performance and Resource Tables

TYPE	FY 2016		FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Total Costs and FTE (Reimbursable: FTE are included, but costs are bracketed and not included in totals)	1,957	\$472,738 [\$11,166]	1,978	\$463,368 [\$4,739]	1,969	\$463,366 [\$13,506]	(278)	(\$34,376) [\$0]	1,691	\$428,990 [\$13,506]		
PERFORMANCE												
Program Activity												
Performance Measure: Workload	1,957	\$472,738 [\$11,166]	1,978	\$463,368 [\$4,739]	1,969	\$463,366 [\$13,506]	(278)	(\$34,376) [\$0]	1,691	\$428,990 [\$13,506]		
Performance Measure: Output		1,930		2,257		3,112						3,112
Performance Measure: Output		593		384		525		0				525
Performance Measure: Output		25		14		25		0				25
Performance Measure: Outcome		0		0		0		0				0

* Devices inclusion in the DOJ Quarterly Status Report and DOJ Annual Performance Plan

Data Definition, Validation, Verification, and Limitations:

Performance Measure – Workload

1. Inappropriate communications/threats to protected court members:

- a. **Data Definition:** The number of external events that require a protective assessment to determine if the event is a *security incident* – activity that requires documentation, but not further investigation (i.e. disruptive, suspicious, unauthorized persons or events); *preliminary assessment* – investigative activity that is done absent a triggering event. Requires some investigation and may require intelligence or behavioral analyses; or a *predicated protective investigation* – investigative activity where an adequate triggering event is present indicating a crime has or might take place. Requires a significant level of protective response to include comprehensive investigation and intelligence analysis; may involve behavioral analyses and/or protective measures such as a security detail, residential security survey, or security briefing. Success is defined as actuals below the estimate. Estimate represents maximum performance.
- b. **Data Validation and Verification:** Numbers are calculated based on reporting from the Justice Detainee Information System (JDIS) and are validated by the USMS Judicial Security Division.
- c. **Data Limitations:** This data is accessible to all districts and is updated as new information is collected. There may be a lag in the reporting of data.

2. Threats to protected court members investigated:

- a. **Data Definition:** The total number of predicated protective investigations opened which are investigative activities with an adequate triggering event, indicating a crime has occurred or might take place. Requires a significant level of protective response to include comprehensive investigation and intelligence analysis; may involve behavioral analyses and/or protective measures such as a security detail, residential security survey, or security briefing. Success is defined as actuals below the target. Target represents maximum performance.
- b. **Data Validation and Verification:** Numbers are calculated utilizing Justice Detainee Information System (JDIS) data and are validated by the USMS Judicial Security Division.
- c. **Data Limitations:** This data is accessible to all districts and updated as new information is collected. There may be a lag in the reporting of data.

3. **Protective details required/provided to court members:**
 - a. **Data Definition:** A protective detail is a security assignment of 24-hour continuous detail or a portal-to-portal protective detail resulting from threat assessment. Success is defined as actuals below the target. Target represents maximum performance.
 - b. **Data Validation and Verification:** Numbers are calculated utilizing Justice Detainee Information System (JDIS) data and are validated by the USMS Judicial Security Division.
 - c. **Data Limitations:** This data is accessible to all districts and updated as new information is collected. There may be a lag in the reporting of data.
4. **Assaults against protected court members:**
 - a. **Data Definition:** Includes criminal assault motivated by a protectee's status as federal jurists, court officers, and other threatened persons in the interest of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding or as directed by the Attorney General and in-custody defendants during court proceedings. Success is defined as the actual meeting the target.
 - b. **Data Validation and Verification:** Numbers are calculated utilizing Justice Detainee Information System (JDIS) data and are validated by the USMS Judicial Security Division.
 - c. **Data Limitations:** This data is accessible to all districts and updated as new information is collected. There may be a lag in the reporting of data.

PERFORMANCE MEASURE TABLE

Decision Unit: Judicial and Courthouse Security

Performance Report and Performance Plan Targets		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Measure: Workload	1. Inappropriate communications/threats to protected court family members	N/A		1,155	768	926	1,950	2,357	3,112	3,112					
Performance Measure: Output	2. Threats to protected court family members investigated	N/A		472	399	305	593	584	598	525					
Performance Measure: Output	3. Protective details required/provided to court family members	N/A		28	13	17	25	14	25	25					
Performance Measure: Outcome	4. Assaults against protected court family members*	N/A		0	0	0	0	0	0	0					

N/A = Data unavailable

*Denotes inclusion in the DOJ Quarterly Status Reports and DOJ Annual Performance Plan

3. Performance, Resources, and Strategies

The USMS maintains the integrity of the federal judicial system by:

- ensuring that U.S. Courthouses, federal buildings, and leased facilities occupied by the federal judiciary and the USMS are secure and safe from intrusion by individuals and technological devices designed to disrupt the judicial process;
- guaranteeing that federal judges, attorneys, defendants, witnesses, jurors, and others can participate in uninterrupted court proceedings;
- assessing inappropriate communications and providing protective details to federal judges or other members of the judicial system;
- maintaining the custody, protection, and security of prisoners and the safety of material witnesses for appearance in court proceedings; and
- limiting opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery to corrupt judicial proceedings.

The USMS assesses the threat level at all high-risk proceedings, develops security plans, and assigns the commensurate security resources required to maintain a safe environment, including the possible temporary assignment of DUSMs from one district to another to enhance security. Where a proceeding is deemed high-risk, the USMS district staff and JSIs develop an operational plan well in advance of when a proceeding starts.

Measure: Assaults against court members

FY 2016 Target: 0

FY 2016 Actual: 0

Strategy: *Develop standardized training programs on personal security awareness for the court family and protectees*

The USMS delivers critical security awareness issues and best practices to USMS-protected persons through its successful video-based training program, “Project 365: Security Tips.” The USMS expanded its offerings to the judicial family with the addition of a training video on active shooters and active threats. The “Active Shooter, Active Threat” video was produced by the Administrative Office of the United States Courts in cooperation with the USMS, and is designed to be a tool to assist in training the judicial family on how to respond to an active shooter or active threat event in a courthouse.

Strategy: *Develop a continuing education strategy for all protectees on protective capabilities and procedures*

The National Center for Judicial Security enhanced and strengthened the USMS’s international presence by collaborating with the DOJ to conduct foreign trainings and assessments. The USMS conducted five training events and four court security assessments in Malaysia, El Salvador, Guatemala, Uganda, and Malta. To increase its reach, the USMS provided training that involved an overview on court security and personal security to North African judicial personnel attending a judicial conference in Malta.

Strategy: Formalize protective parameters for level of protection based on mitigation of efforts

The USMS established a training program on formal mitigation strategies. This includes OPI training, district protective investigations, JSI Basic and Sustainment training and Protective Intelligence Training Program (PITP) training. The positive feedback from training participants validates that USMS is better positioned to properly implement protection and creates greater standardization of protection parameters across the agency spectrum.

Strategy: Review and implement the results of reforms identified in the USMS Intelligence Assessment to determine applicable and approved intelligence and informational process recommendations which can be applied

The USMS improved intelligence-gathering capabilities through liaison positions with the National Joint Terrorism Task Force and the National Counter Terrorism Center. These liaison positions review information and intelligence and identify information that could impact USMS-protected persons or facilities. The relationships established by daily USMS presence at and interaction with the National Joint Terrorism Task Force and National Counter Terrorism Center have mitigated terrorism threats. The liaisons conduct research and collect information for dissemination to the USMS. They screen all source intelligence reporting, access summarized evaluated and previously-unevaluated information, discriminate threat information from all source intelligence into actionable intelligence, and disseminate warning and threat information to agency components.

Strategy: Providing security for the Supreme Court Judiciary

The USMS used the findings from a recently completed assessment on a risk-based protection program for the U.S. Supreme Court Judiciary to inform the development of a Memorandum of Understanding (MOU) with the Supreme Court of the United States Police Department. Upon signature, this MOU will clarify each agency's roles and responsibilities, identify new protocols to streamline communications, and standardize information sharing. Further, as a result of the assessment's findings, the USMS recommended significant updates to Executive and Judicial branch stakeholders to best provide comprehensive, routine protection for Supreme Court Justices.

Strategy: Leverage and/or partner with other agencies for physical security research and development needs

In FY 2016, the USMS established a liaison relationship with the Federal Protective Service. The liaison provides a direct link to Federal Protective Service stakeholders in the field, which allows for enhanced troubleshooting and de-confliction efforts. Furthermore, this relationship provides the USMS with FPS' Facility Security Assessment data, which is a contributing factor when prioritizing projects and enhancing understanding of security issues impacting the federal community as a whole.

Strategy: Assess the Court Security Officer (CSO) workforce and hiring practices to ensure mission needs are being met

Expediting the process for contract Court Security Officers (CSOs): The USMS designed and implemented a file-sharing system to allow for expedited submissions and approvals of contract CSO application packages. This streamlined process improves hiring efficiency and helps ensure consistent, full-coverage security services at courthouses.

Accelerating onboarding of CSOs: The USMS has decreased the backlog of CSOs awaiting Phase II Orientation by expanding each class size 40 percent, from 30 to 42 students. By the end of FY 2016, the backlog decreased 14 percent, or 72 students, from 517 to 445. The USMS also conducted regional training to meet immediate CSO needs in one district.

Strategy: Evaluate district management practices to establish a strategy to improve oversight of the Judicial Security mission

The USMS employs a dashboard tool to support district management. The USMS expanded the District Dashboard to include Quarterly Unannounced Testing results and statistics. This data aids in day-to-day judicial security oversight and provides transparency between geographically-dispersed judicial security management entities.

Strategy: Re-evaluate offsite security requirements, asset costs, and protocols to address current and future needs

The USMS improved off-site security program management for the Home Intrusion Detection Systems program by publishing new policy and developing business rules. The new policy and business rules allow the USMS to establish data collection points that will lead to improvements in decision making and the operational efficiency of the Home Intrusion Detection System program. The USMS continues to upgrade the technology of the Judicial Duress Alarm Response program, and is currently training Judicial Security Inspectors on the new technology.

B. Fugitive Apprehension

<i>Fugitive Apprehension</i>	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	1,744	1,649	\$416,216
2017 Continuing Resolution	1,744	1,649	\$421,086
Adjustments to Base and Technical Adjustments	220	251	\$48,286
2018 Current Services	1,964	1,900	\$469,372
2018 Program Increases	15	7	\$13,051
2018 Request	1,979	1,907	\$482,423
Total Change 2017-2018	235	258	\$61,337

<i>Fugitive Apprehension – IT Breakout (of Decision Unit Total)</i>	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	33	33	\$38,030
2017 Continuing Resolution	33	33	\$35,554
Adjustments to Base and Technical Adjustments	0	0	\$2,400
2018 Current Services	33	33	\$37,954
2018 Program Increases	0	0	\$0
2018 Request	33	33	\$37,954
Total Change 2017-2018	0	0	\$2,400

1. Program Description

The Fugitive Apprehension decision unit includes domestic and international fugitive investigations, fugitive extraditions and deportations, sex offender investigations, technical operations, and the management and disposal of seized and forfeited assets. The USMS is authorized to investigate such fugitive matters, both within and outside the United States, as directed by the Attorney General, although this authorization is not to be construed to interfere with or supersede the authority of other federal agencies or bureaus.

Domestic Fugitive Investigations

The USMS is the federal government's primary agency for apprehending fugitives and provides assistance and expertise to other federal, state, and local law enforcement agencies in support of fugitive investigations. The USMS works aggressively to reduce violent crime through the apprehension of fugitives using a nationwide network of task forces and other investigative resources such as criminal intelligence, electronic, air, and financial surveillance.

Currently, the USMS is the lead agency for 60 district-led fugitive task forces and seven

Regional Fugitive Task Forces (RFTFs). District task forces, composed of district USMS personnel and state and local law enforcement officers, investigate federal felony warrants where the USMS has execution authority and egregious state and local fugitives within the district. RFTFs partner with federal, state, and local law enforcement agencies and focus investigative resources to locate and apprehend the most egregious state and local fugitives within the task force's region, and to assist in high-profile investigations that identify criminal activities for future state and federal prosecutions. The nationwide network of USMS fugitive task forces focuses investigative efforts and resources to impact violent crime by targeting fugitives wanted for committing violent felony offenses.

The USMS prioritizes investigation and apprehension of some of the country's most dangerous fugitives by allocating resources and funding to its 15 Most Wanted Fugitive Program and Major Case Fugitive Program. These initiatives target high-profile offenders who tend to be career criminals with histories of violence and pose a significant threat to public safety.

In addition, the USMS is responsible for the majority of fugitive investigations conducted on behalf of the Organized Crime Drug Enforcement Task Force (OCDETF). In partnership with OCDETF, the USMS assists state and local partner agencies in apprehending numerous drug-related and organized crime felons who are eventually prosecuted at the state level.

International Fugitive Investigations

In addition to domestic investigations, the USMS investigates international fugitives.

The globalization of crime, coupled with the immediate mobility of fugitives, requires an intensive effort to identify, locate, apprehend, and remove transnational fugitives who flee the jurisdiction of one country only to seek refuge in another. The USMS developed several international fugitive programs to effectively combat this challenge. Resources committed to this mission include three foreign field offices, six regional desks at Headquarters, and the Canada and Mexico investigative liaison programs. Additionally, the USMS oversees liaison positions at INTERPOL–United States National Central Bureau (USNCB), the DOJ Office of International Affairs (OIA), and the El Paso Intelligence Center (EPIC). The USMS also provides direction, oversight, and training on international investigations and the extradition process to federal, state, local, and foreign law enforcement agencies and prosecutors' offices.

The USMS is the lead agency responsible for investigation and apprehension of international and foreign fugitives. Through MOUs with federal law enforcement agencies and from requesting state or local agencies, the USMS has apprehension responsibility for fugitives who leave the jurisdiction of the United States. Extraterritorial investigations are conducted in concert with other law enforcement agencies in countries lacking a USMS presence. Through agreements with USNCB, OIA, and foreign law enforcement authorities, the USMS also investigates foreign fugitives within the borders of the United States.

The USMS currently has an active caseload of approximately 55,800 fugitive cases. Of these, the International Investigations Branch (IIB) has open active investigations on more than 1,000 international fugitives who have fled the United States, and is also investigating over 200 fugitives wanted by foreign countries who are believed to be in the United States. The IIB also

tracks fugitives who have valid U.S. warrants, but are currently unable to be returned to the United States due to limitations of bilateral treaties or cases not accepted for prosecution. These fugitives are tracked to ensure investigative due diligence for potential removal should circumstances change.

The management and execution of the U.S. Government's extradition program is a second critical mission. The USMS has statutory responsibility for conducting complex international extraditions from foreign countries to the United States on behalf of all federal, state, and local law enforcement agencies. The USMS manages extradition logistics through strong partnerships with OIA, U.S. law enforcement personnel abroad, and foreign authorities. The USMS reciprocates by assisting foreign authorities conducting extraditions from the United States.

Sex Offender Investigations

As the lead law enforcement agency responsible for investigating sex offender registration violations, the USMS has three distinct missions pursuant to the Adam Walsh Child Protection and Safety Act:

- assisting state, local, tribal, and territorial authorities in the location and apprehension of non-compliant sex offenders;
- investigating violations of 18 USC § 2250 and related offenses; and
- assisting in the identification and location of sex offenders relocated as a result of a major disaster.

The USMS carries out its duties in partnership with state, local, military, tribal, and territorial law enforcement authorities and works closely with the National Center for Missing and Exploited Children.

The USMS established the NSOTC to further enhance its capabilities and support state and local partners. The NSOTC and the USMS Sex Offender Investigation Coordinators in the field partner with the DOJ's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) and agencies such as DOD, INTERPOL, the DOS-DSS, and Customs and Border Protection to identify, locate, and prosecute non-compliant sex offenders domestically and internationally. Additionally, the NSOTC now receives notification from the DOD's Military Correctional Branch when military convicted sex offenders are released, which allows enforcement officials to better identify non-compliant sex offenders for arrest and prosecution. Sex offender investigation activities also support the DOJ's National Strategy for Child Exploitation Prevention and Interdiction.

Technical Operations

The Technical Operations Group (TOG) provides the USMS, other federal agencies, and state or local law enforcement agencies with the most timely and technologically advanced electronic surveillance and investigative intelligence. TOG operates from eight Regional Technical Operations Centers (RTOCs) and 21 field offices throughout the United States and Mexico. Annually, the USMS assists hundreds of other federal, state, and local law enforcement agencies in support of thousands of the nation's most critical and time-sensitive investigations.

TOG comprises two branches that work synergistically – the Electronic Surveillance Branch (ESB) and the Air Surveillance Branch (ASB). The ESB provides state-of-the-art electronic surveillance assistance in fugitive investigations. It deploys sophisticated commercial and sensitive technical surveillance technologies for the interception of hard line and cellular telecommunications, Wi-Fi collection and emitter location, and Global Positioning System (GPS) and radio frequency tagging/tracking. The ESB also conducts computer and cellular exploitation and on-scene forensic extraction, photo/video surveillance, and Technical Surveillance and Countermeasure (TSCM) sweeps to detect surreptitious monitoring devices.

The ASB provides aerial support for missions throughout the USMS using specially-equipped fixed wing aircraft outfitted with advanced avionics, surveillance, and communications capabilities. The aircraft and pilots, co-located with the RTOCs, provide a variety of investigative, surveillance, and reconnaissance capabilities including still and motion aerial imagery and enhancement, aerial RF beacon tracking, mobile communication command and control, and electronic surveillance package deployment in support of fugitive investigative missions.

TOG is the USMS liaison to the U.S. Intelligence Community (IC) with respect to signal intelligence, measurement and signature intelligence, imagery intelligence, electronic intelligence, and communications intelligence. The USMS also shares its investigative tactics, techniques, and procedures with certain members of the IC and DOD. This collaborative effort has allowed all participants to enhance their capabilities and mission readiness.

Asset Forfeiture

The USMS serves as the primary custodian for the DOJ Asset Forfeiture Program (AFP), whose mission is to support the consistent and strategic use of asset forfeiture to disrupt and dismantle criminal enterprises, deprive wrongdoers of the profits and instrumentalities of criminal activity, deter crime, and restore property to victims of crime while protecting individual rights. The USMS provides fiduciary stewardship to ensure that assets seized for forfeiture are managed and disposed of efficiently and effectively. DOJ AFP participating agencies include DEA, FBI, ATF, FDA, DOS-DSS, DOD Criminal Investigation Service, U.S. Postal Inspection Service, and each of the U.S. Attorney's offices.

USMS Asset Forfeiture Financial Investigators (AFFI) proactively identify assets during investigations by working in conjunction with investigative agencies and U.S. Attorney's offices to conduct financial analyses that determine net equities of assets targeted for forfeiture, execute court orders, and assist in the physical seizure and security of the assets. AFFI positions are funded from the AFF, and work exclusively in the USMS AFP.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE													
Decision Unit: Fugitive Apprehension													
RESOURCES (\$ in thousands)													
TYPE	Target			Actual			Target			Changes		Requested (Total)	
	FTE	Amount		FTE	Amount		FTE	Amount		FTE	Amount	FTE	Amount
Total Costs and FTE (Reimbursable: FTE are included, but costs are bracketed and not included in totals)	1,944	\$416,216 [\$12,974]		1,738	\$438,597 [\$3,715]		1,915	\$421,086 [\$13,280]		258	\$0 [\$0]	2,173	\$482,423 [\$13,280]
PERFORMANCE													
Program Activity													
	FTE	Amount		FTE	Amount		FTE	Amount		FTE	Amount	FTE	Amount
Performance Measure: Workload	1,944	\$416,216 [\$12,974]		1,738	\$438,597 [\$3,715]		1,915	\$421,086 [\$13,280]		258	\$0 [\$0]	2,173	\$482,423 [\$13,280]
1. Number of Federal fugitives		48,540			31,510			49,397			1,472		50,869
2. Number of assets in inventory		15,680			15,316								
a. Cash		9,500			9,677								
b. Complex Assets		180			291			Retired					Retired
c. All Other Assets		6,000			5,348								
3. Number of assets received*		13,500			13,357			11,488		0			11,488
a. Cash		8,410			7,771			7,200					7,200
b. Complex Assets		90			183			88		0			88
c. All Other Assets		5,000			5,383			4,200		0			4,200
4. Number of Federal warrants cleared		30,144			34,337			30,794		917			31,711

N/A = Data Unavailable
 * Denotes new measure

RESOURCES (\$ in thousands)		Target	Actual	Target	Changes	Requested (Total)
TYPE	PERFORMANCE	FY 2016	FY 2016	FY 2017	Current Services Adjustments and FY 2018 Program Changes	FY 2018 Request
Performance Measure: Output	5. Non-Compliant Sex Offender Investigations	1,786	1,920	1,813	27	1,840
Performance Measure: Output	6. Number of assets disposed	14,500	15,949	12,716	0	12,716
	a. Cash	9,210	9,508	8,000	0	8,000
	b. Complex Assets	70	938	96	0	96
	c. All Other Assets	5,220	6,303	4,620	0	4,620
Performance Measure: Output	7. Percent of asset value returned to Fund*	55%	55%	Retired	Retired	Retired
Performance Measure: Output	8. Comparison of value returned to Fund**					
	a. Jewelry, Arts, Antiques & Collectibles	85%	89%	85%	0	85%
	b. Real Property	75%	91%	75%	0	75%
	c. Vehicles	75%	85%	60%	0	60%
Performance Measure: Outcome	9. Percent of All Other Assets disposed within procedural time frames*	60%	55%	Retired	Retired	Retired
Performance Measure: Outcome	10. Assets disposed with Procedural Timeframes by Category**					
	a. Real Property	80%	54%	75%	0	75%
	b. Conveyances (vehicles, vessels and aircraft)	80%	75%	85%	0	85%
Performance Measure: Outcome	11. Number of USMS federal and egregious non-federal fugitives apprehended/cleared	104,556	106,078	103,468	629	104,097
Performance Measure: Outcome	12. Number and percent Federal fugitives apprehended/cleared	29,124	32,831	29,638	86	29,769
		60%	64%	60%	0	60%

* Denotes inclusion in the DOJ Quarterly Status Report

** Denotes new measure

Data Definition, Validation, Verification, and Limitations:

Performance Measures – Workload

1. Federal fugitives:

- a. **Data Definition:** Wanted fugitives include all those wanted at the beginning of the fiscal year, plus all fugitive cases received by the USMS throughout the fiscal year. Fugitives with multiple warrants are counted once.
 - b. **Data Validation and Verification:** Warrant and fugitive data is verified by a random sampling of National Crime Information Center (NCIC) records generated by the FBI. The USMS coordinates with district offices to verify that warrants are validated against the signed paper records. The USMS then forwards the validated records back to NCIC.
 - c. **Data Limitations:** Data is accessible to all districts and updated as new information is collected. There may be a reporting lag.
2. **Number of assets in inventory – Retired: Transition to number of assets received. Assets in inventory are a snapshot in time and therefore are limited in depicting workload variability.**
 - a. **Data Definition:** The number of assets currently in USMS custody that are pending forfeiture decision/disposal instructions.
 - b. **Data Validation and Verification:** Assets are recorded by seizing agencies and verified by District Offices. Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls.
 - c. **Data Limitations:** Data is estimated based on the date extracted, as data entry in the Consolidated Asset Tracking System (CATS) is a continuous process.
 3. **Number of assets received – includes a count of the number of assets received during the fiscal year.**
 - a. **Data Definition (Cash):** The count of unique cash asset IDs received into USMS custody.
Data Definition (Complex Assets): The number of assets IDs categorized as commercial business, financial instrument, or intangible asset received into USMS custody.
 - Data Definition (All Other Assets):** The total number of unique asset IDs, less cash and complex assets, received into USMS custody.
 - b. **Data Validation and Verification:** Assets are recorded by seizing agencies and verified by District Offices. Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls.
 - c. **Data Limitations:** Data is estimated based up the date extracted, as CATS data entry is continuous.

Performance Measures – Outputs, Efficiencies, and Outcomes

4. Number of federal warrants cleared:

- a. **Data Definition:** A warrant is considered cleared if the fugitive is arrested, has a detainer issued, or the warrant is dismissed.
- b. **Data Validation and Verification:** Warrant and fugitive data is verified by a random sampling of NCIC records generated by the FBI. The USMS coordinates with district offices to verify that warrants are validated against the signed paper records. The USMS then forwards the validated records back to NCIC.
- c. **Data Limitations:** Data is accessible to all districts and updated as new info is collected. There may be a reporting lag.

5. Non-compliant sex offender investigations:

- a. **Data Definition:** Opened investigations of violators of the Adam Walsh Child Protection and Safety Act that reach the level of the Attorney General's Guidelines for Conducting Domestic Investigations.
- b. **Data Validation and Verification:** Office of Compliance Review (OCR) annual Self-Assessment Guide (SAG) review of cases to DOJ and USMS policy and procedures. OCR also conducts annual on-site inspections of Districts and Divisions each year.
- c. **Data Limitations:** Data entry often lags behind operations causing a delay in timely and accurate information. This lag varies by office size, staffing and other intangibles.

6. Number of assets disposed:

- a. **Data Definition (Cash):** The count of unique cash asset IDs in USMS custody.
- Data Definition (Complex Asset):** The number of assets IDs categorized as commercial business, financial instrument, or intangible asset received into USMS custody.
- Data Definition (All Other Assets):** The total number of unique asset IDs, less cash and complex assets disposed.
- b. **Data Validation and Verification:** Assets are recorded by seizing agencies and verified by District Offices. Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls
- c. **Data Limitations:** Data is estimated based on the date extracted, as CATS data entry is continuous.

7. **Percent of asset value returned to the fund – Retired: Transition to comparison of value returned to the fund. Current measure accounts for victim payments and equitable sharing the same as maintenance and disposal costs.**
 - a. **Data Definition:** The percent of asset value returned to the fund is calculated as value collected from the asset at disposal, less maintenance fees, victim payments, and equitable sharing; divided by value collected from the asset at disposal.
 - b. **Data Validation and Verification:** Assets are recorded by seizing agencies and verified by District Offices. Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls.
 - c. **Data Limitations:** Data is estimated based on the date extracted, as CATS data entry is continuous.
8. **Comparison of Value Returned to the Fund – New: Includes only assets disposed through sale. Calculations by asset category allow for the identification of specific performance trends.**
 - a. **Data Definition (Jewelry, Arts, Antiques, and Collectibles):** The percent proceeds returned to the fund through the sale of Jewelry, Arts, Antiques, and Collectibles (JAAC). The percentage is calculated by sale value of the asset at disposal, less management and disposition fees; divided by the appraised value.
 - b. **Data Definition (Real Property):** The percent proceeds returned to the fund through the sale of Real Property. The percentage is calculated as sale value of the asset at disposal, less management and disposition fees; divided by appraised value.
 - c. **Data Definition (Vehicles):** The percent proceeds returned to the fund through the sale of Vehicles. The percentage is calculated as sale value of the asset at disposal, less management and disposition fees; divided by the appraised value.
 - d. **Data Validation and Verification:** Assets are recorded by seizing agencies and verified by District Offices. Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls.
 - e. **Data Limitations:** Data is estimated based on the date extracted, as CATS data entry is continuous.
9. **Percent of All Other Assets disposed within procedural time frames – Retired: Transition to assets disposed within procedural timeframes by category to better reflect performance for the majority of assets.**
 - a. **Data Definition:** The number listed for “percent of all other assets disposed” signifies the total assets disposed within procedural timeframes.
 - b. **Data Validation and Verification:** Data is estimated based on the date extracted, as CATS data entry is continuous.
 - c. **Data Limitations:** Data is estimated based on the date extracted, as CATS data entry is continuous.

- 10. Assets Disposed Within Procedural Timeframes by Category – New: Allows for performance trend identification for asset categories with differing procedural timeframes**
- a. Data Definition (Real Property):** The number of real property assets disposed within established procedural timeframes, divided by the total number of real property assets disposed.
 - Data Definition (Conveyances) [Vehicles, Vessels and Aircraft]:** The number of conveyances disposed within established procedural timeframes, divided by the total number of conveyances disposed.
 - b. Data Validation and Verification:** Data is estimated based on date extracted, as CATS data entry is continuous.
 - c. Data Limitations:** Data is estimated based on the date extracted, as CATS data entry is continuous.
- 11. Number of USMS federal and egregious non-federal fugitives apprehended/cleared:**
- a. Data Definition:** Includes physical arrest, directed arrest, surrender, dismissal, and arrest by another agency, when a federal fugitive is taken into custody on a detainment order, and warrants that are dismissed to the other cleared categories. It also includes egregious non-federal felony fugitives, including targeted state and local fugitives with an offense code of homicide, kidnapping, sexual assault, robbery, assault, threats, arson, extortion, burglary, vehicle theft, dangerous drugs, sex offenses, obscenity, family offenses, obstructing the police, escape, obstruction of justice, weapon offenses, and/or crime against persons.
 - b. Data Validation and Verification:** See federal fugitives (warrants) above. Prior to assigning state and local warrants, the Supervisory Deputy U.S. Marshal (SDUSM) or designee is responsible for reviewing each case to verify it meets above criteria.
 - c. Data Limitations:** Data is accessible to all districts and updated as new info is collected. There may be a reporting lag.
- 12. Number and Percent of federal fugitives apprehended/cleared:**
- a. Data Definition:** Percent cleared is calculated as the number of cleared fugitives divided by the sum of received fugitives (fugitives with a warrant issued during the fiscal year) and on-hand fugitives (fugitives with active warrants at the start of the fiscal year).
 - b. Data Validation and Verification:** Warrant and fugitive data is verified by a random sampling of NCIC records generated by the FBI. The USMS coordinates with district offices to verify that warrants are validated against the signed paper records. The USMS then forwards the validated records back to NCIC.
 - c. Data Limitations:** Data is accessible to all districts and updated as new info is collected. There may be a reporting lag.

PERFORMANCE MEASURE TABLE

Decision Unit: Fugitive Apprehension

Performance Report and Performance Plan Targets		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Actual	N/A	Actual	48,525	Actual	48,493	Actual	49,061	Actual	48,540	Actual	49,397	Actual	50,869
Performance Measure: Workload	1. Number of Federal fugitives	N/A	N/A	22,448	21,107	17,564	15,680	15,310	15,310	15,310	15,310	15,310	15,310	15,310	15,310
Performance Measure: Output	2. Number of assets in inventory	N/A	N/A	14,704	13,324	10,937	9,500	9,677	9,500	9,500	9,500	9,500	9,500	9,500	9,500
	a. Cash	N/A	N/A	187	185	224	180	191	180	180	180	180	180	180	180
	b. Complex Assets	N/A	N/A	7,557	7,598	6,403	6,000	5,376	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Performance Measure: Output	3. Number of assets received**	N/A	N/A	N/A	N/A	N/A	13,500	13,500	N/A	13,500	13,500	13,500	13,500	13,500	13,500
	a. Cash	N/A	N/A	N/A	N/A	N/A	8,410	8,410	N/A	8,410	8,410	8,410	8,410	8,410	8,410
	b. Complex Assets	N/A	N/A	N/A	N/A	N/A	90	90	N/A	90	90	90	90	90	90
Performance Measure: Outcome	c. All Other Assets	N/A	N/A	N/A	N/A	N/A	5,000	5,000	N/A	5,000	5,000	5,000	5,000	5,000	5,000
	4. Number of Federal warrants cleared	N/A	N/A	39,267	31,900	32,002	30,144	34,537	30,144	30,144	30,144	30,144	30,144	30,144	30,144
Performance Measure: Output	5. Non-Compliant Sex Offender Investigations	N/A	N/A	2,009	2,059	1,867	1,786	1,820	1,867	1,786	1,786	1,813	1,813	1,840	
Performance Measure: Output	6. Number of assets disposed	N/A	N/A	21,983	21,431	19,575	14,500	15,649	19,575	14,500	14,500	12,716	8,000	8,000	8,000
	a. Cash	N/A	N/A	14,720	14,367	12,668	9,210	9,508	12,668	9,210	9,210	8,000	8,000	8,000	8,000
	b. Complex Assets	N/A	N/A	-65	93	115	70	158	115	70	70	96	96	96	96
Performance Measure: Output	c. All Other Assets	N/A	N/A	7,198	6,971	6,792	5,220	5,983	6,792	5,220	5,220	4,620	4,620	4,620	4,620

N/A = Data unavailable

** Denotes new measure

PERFORMANCE MEASURE TABLE

Decision Unit: Fugitive Apprehension

Performance Measure: Output	FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
7. Percent of asset value returned to Fund*	N/A	66%	N/A	60%	N/A	64%	N/A	55%	N/A	55%	Retired	Retired	Retired	Retired
8. Comparison of value returned to Fund**														
a. Jewelry, Arts, Antiques & Collectibles	N/A	N/A	N/A	N/A	N/A	N/A	N/A	85%	85%	85%	85%	85%	85%	85%
b. Real Property	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75%	75%	75%	75%	75%	75%	75%
c. Conveyances (Vehicles, vessels, and aircraft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75%	75%	75%	75%	75%	75%	75%
9. Percent of All Other Assets disposed within procedural time frames*	N/A	57%	N/A	60%	N/A	57%	N/A	60%	N/A	60%	Retired	Retired	Retired	Retired
10. Assets disposed with Procedural Timeframes by Category**														
a. Real Property	N/A	N/A	N/A	N/A	N/A	N/A	N/A	80% ^a	80%	80%	75%	75%	75%	75%
b. Conveyances (Vehicles, vessels and aircraft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	80%	80%	80%	85%	85%	85%	85%
11. Number of USMS federal and egregious non-federal fugitives apprehended/cleared	N/A	104,651	N/A	103,226	N/A	107,001	N/A	104,556	106,078	103,468	104,097	104,097	104,097	104,097
12. Number of federal fugitives apprehended/cleared**	N/A	32,811	N/A	30,792	N/A	31,202	N/A	29,124	32,831	29,638	29,769	29,769	29,769	29,769
Percent of federal fugitives apprehended/cleared ^a	N/A	64%	N/A	63%	N/A	64%	N/A	60%	64%	60%	60%	60%	60%	60%

N/A = Data unavailable

* Denotes inclusion in the DOJ Quarterly Status Report

^a Denotes inclusion in the DOJ Annual Performance Plan

** Denotes new measure

3. Performance, Resources, and Strategies

Fugitive Apprehension

One of the challenges facing the fugitive apprehension program is the volume of program responsibility. To achieve the greatest public protection with available resources, the fugitive program focuses on the most egregious federal, state, and local offenders. This requires strategic selection of state and local fugitive cases. The current measures focus on cases in which the USMS has held the primary arresting authority and cases that arguably have a greater impact on public safety, making them a USMS fugitive apprehension priority.

Measure: Number of USMS federal and egregious non-federal fugitives apprehended/cleared

FY 2016 Target: 104,556

FY 2016 Projected: 106,078

Measure: Number and percent of USMS federal fugitives apprehended/cleared

FY 2016 Target: 29,124 / 60%

FY 2016 Actual: 32,831 / 64%

Strategy: *Allocate resources effectively to maximize effectiveness in state and local fugitive apprehension*

In FY 2016, the USMS leveraged the resources and expertise of federal, state, and local partners to conduct Operation VR12, a national fugitive apprehension initiative focusing on the country's most violent offenders. This six-week operation resulted in the arrest of 8,075 violent fugitives, gang members, and sex offenders. While USMS conducted the operation nationwide, it maximized the impact of deployed resources by identifying and focusing on 12 cities experiencing upticks in violent crime. To further amplify the public safety benefit, investigators targeted recovery of missing children and capture of serial violent fugitives with multiple prior felony arrests for crimes such as murder, attempted murder, robbery, aggravated assault, arson, abduction/kidnapping, weapon offenses, sexual assault, child molestation, and narcotics.

Strategy: *Instill program accountability through the implementation of a fugitive case adoption validation process*

Implemented in 2012, the Enforcement Operations Standard Operating Procedures (SOP) are designed to enforce a national standard for egregious state and local case adoption among the network of fugitive task forces. Case selection criteria enhance accountability and transparency by establishing a validation process to ensure federal law enforcement only works on cases that meet SOP guidelines. Since 2012, the number of adopted cases that meet these guidelines has steadily increased. Of the nearly 108,000 state and local fugitive cases adopted by the USMS in FY 2016, 92 percent met the national standard.

Strategy: *Increase the breadth of foreign fugitive cooperative relationships*

The USMS increased its INTERPOL participation by establishing a liaison program to enhance capabilities to identify, locate, and apprehend foreign fugitives. INTERPOL

Bureaus enable police in 190 countries to communicate across a single foreign fugitive who have committed crimes abroad and fled to the United States to avoid detection. This program supplements the resources the USMS already provides to the USNCB by positioning 13 specialized collateral duty investigators in strategic locations throughout the United States.

Strategy: Strengthen USMS investigators' and state and local task force investigators' acumen through innovative training and communication

The USMS increased its ability to assist in investigations of missing children by creating eight collateral duty positions within its Missing Child Unit. The USMS established the Missing Child Unit to oversee and manage its implementation of its enhanced authority under the Justice for Victims of Trafficking Act (P.L. 114-22). These collateral positions are strategically placed nationwide to provide guidance and expertise to USMS investigators and partner law enforcement agencies.

Asset Forfeiture

Asset forfeiture targeting is becoming increasingly complex, creating the need for greater collaboration at all phases of a case. Successful forfeiture requires a cadre of trained individuals with specialized skills and a focus on pre-seizure planning to permit evaluation of the assets seized and the potential value returned to the fund. Continued focus on evaluation of the type of asset seized and effective management of inventory and disposal ensures the highest return to the fund for reinvestment in state and local law enforcement and the community.

Measure: Comparison of Value Returned to the Fund

FY 2016 Target:

Jewelry, Arts, Antiques & Collectibles:	85%
Real Property:	75%
Vehicles:	75%

FY 2016 Actual:

Jewelry, Arts, Antiques & Collectibles:	89%
Real Property:	91%
Vehicles:	85%

Strategy: Increase success by leveraging collaboration between USMS AFP and domestic law enforcement partners to include pre-seizure planning and training

Working collaboratively with participating members of the DOJ AFP, the USMS received and disposed of a wide array of properties to include operating businesses, wine collections, and high-end residential real estate. Two of the more challenging asset types included:

Animals – Enforcement of animal welfare laws is a matter of significant importance to the DOJ. The USMS worked closely with the DOJ Environmental and Natural Resources Division and several federal investigative agencies to implement crime-fighting strategies to break up a number of illegal animal fighting rings. As a result, the USMS provided proper care and treatment for animals when the U.S. Government pursued forfeiture actions to remove them from their abusers. Because the vast majority of seized assets are inanimate, the care and treatment of animals falls outside the scope of routine contracts for asset

management and disposal. Therefore, the USMS developed new strategies and partnerships to address these uncommon assets.

Bitcoins – The USMS established an MOU with the Department of Treasury (Treasury) Executive Office for Asset Forfeiture for disposition of forfeited bitcoins emanating from Treasury Forfeiture Fund components. Both DOJ and Treasury recognize the USMS as the government’s leader in the sale of virtual currency.

Strategy: Improve the efficiency and effectiveness of AFP lifecycle management to maximize returns supporting victims, law enforcement, and communities

The USMS has worked to ensure the equitable sharing payments program is efficient and effective. Under equitable sharing, proceeds from liquidating assets seized through forfeiture are shared between state and federal law enforcement authorities. The USMS centralized the disbursement of equitable sharing payments, resulting in greater fiscal control and oversight of the expense category.

Strategy: Expand collaboration between AFP and international law enforcement partners

The USMS will increase its effectiveness and recognition within DOJ as the international experts in asset forfeiture activities by maintaining an Investigative Liaison position with the International Unit, Asset Forfeiture and Money Laundering Section, Criminal Division. The USMS will increase its international presence through close collaboration with INTERPOL, the Office of Overseas Prosecutorial Development Assistance and Training, the Office of International Affairs, and the Department of State. Program experts will provide training, assessments, and implementation strategies to foreign governments requesting assistance in the implementation or strengthening of Asset Forfeiture Programs. Training will also be provided to visiting foreign dignitaries as requested.

Non-Compliant Sex Offender Investigations

Working with federal, state, local, and tribal partners, USMS is protecting potential victims from abuse and exploitation by increasing the number of opened investigations related to non-compliant sex offenders. The USMS also coordinates enforcement efforts with USNCB to identify sex offenders engaging in international travel to ensure they are in compliance with their registration.

Measure: Non-compliant Sex Offender Investigations

FY 2016 Target: 1,786

FY 2016 Actual: 1,920

Strategy: Focus on communities lacking specialized sex offender law enforcement resources to include tribal lands and Department of Defense populations

In FY 2016, the USMS executed two projects to improve the ability of communities to track sex offenders: Tribal Outreach and Military Outreach. These projects were designed to strengthen communication and coordination between all levels of law enforcement and those

entities that assist with the regulatory process of registration in tribal and DOD populations.

Tribal Outreach: The Tribal Outreach project is designed to improve outreach and coordination with tribes and tribal law enforcement by demonstrating effective tracking of sex offenders on tribal lands. In coordination with the SMART Office and the Office of Tribal Justice, the USMS conducted five tribal working groups and trained attendees from 21 vulnerable tribal communities and more than 50 state and local agencies on the AWA and Sex Offender Registration and Notification Act compliance, planning and conducting sex offender operations, explanation of re-entry notification, and SMART Office resources and grants. The USMS also organized and assisted with five tribal-specific compliance operations, resulting in 190 compliance checks and 11 arrests for AWA violations. This outreach will continue in order to strengthen relationships and increase coordination and communication among tribal, state, local, and federal entities involved in sex offender management in their communities.

Military Outreach: The USMS conducted three outreach initiatives at military installations across the country to improve communication and collaboration related to military sex offender registration investigations. This outreach aimed to ensure the synthesis and coordination of activities between the military sex offender program and state expectations for notification and documentation, especially in scenarios when a service member is convicted of a sex crime and then returns to civilian life. The events were attended by representatives from 37 military units and regional and local law enforcement agencies.

Strategy: Improve the communication and coordination with federal, state, and local partners regarding international traveling sex offenders

As noted previously, the USMS collaborates with the DHS Angel Watch Center as required by IML. IML authorizes the USMS to transmit notification of a sex offender's international travel to the destination country; share information relating to traveling sex offenders with other federal, state, local, and foreign agencies and entities, as appropriate; and receive incoming notifications concerning individuals seeking to enter the United States who have committed offenses of a sexual nature.

In addition to IML-related activities, the USMS partners with the INTERPOL, state, tribal, and territorial sex offender registries, and the Department of State to transmit international notifications on outbound sex offenders. The current program reaches law enforcement in INTERPOL's 190 member countries.

C. Prisoner Security and Transportation

<i>Prisoner Security and Transportation</i>	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	1,204	1,037	\$259,301
2017 Continuing Resolution	1,204	1,027	\$259,647
Adjustments to Base and Technical Adjustments	(305)	(157)	(\$32,030)
2018 Current Services	899	870	\$227,617
2018 Program Increases	7	4	\$2,504
2018 Request	906	874	\$230,121
Total Change 2017-2018	(298)	(153)	(\$29,526)

<i>Prisoner Security and Transportation – IT Breakout (of Decision Unit Total)</i>	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	21	21	\$24,201
2017 Continuing Resolution	21	21	\$22,625
Adjustments to Base and Technical Adjustments	0	0	\$1,527
2018 Current Services	21	21	\$24,152
2018 Program Increases	0	0	\$0
2018 Request	21	21	\$24,152
Total Change 2017-2018	0	0	\$1,527

1. Program Description

The Prisoner Security and Transportation decision unit is complex and multi-layered, both in scope and execution. The USMS oversees all operational detention management matters pertaining to individuals remanded to the custody of the Attorney General. The USMS ensures the secure care and custody of these individuals throughout the judicial process, which includes sustenance, necessary medical care, secure lodging and transportation, evaluating conditions of confinement, and protection of civil rights. Every detainee in USMS custody must be processed by a DUSM or security personnel. This includes processing prisoners in the cellblock (prisoner intake) and securing the cellblock area; transporting prisoners (by ground or air); and locating confinement that provides cost-effective, safe, secure, and humane detention services.

Prisoner Processing and Securing the Cellblock

Prisoner processing includes interviewing the prisoner to gather personal, arrest, prosecution, and medical information; fingerprinting and photographing the prisoner; entering/placing the data and records into an internal electronic database and the prisoner file; and sending the electronic fingerprint information to the FBI's Integrated Automated Fingerprint Identification System (IAFIS). The USMS tracks prisoners primarily in a database from the point a prisoner is

received until released from USMS custody or sentenced to the Federal Bureau of Prisons (BOP) for service of sentence.

The cellblock is the secured area for holding prisoners in the courthouse before and after they are scheduled to appear in their court proceedings. Security personnel follow strict safety protocols in the cellblocks to ensure the safety of USMS employees and all members of the judicial process, including prisoners. Prior to entrance into the cellblock, security personnel search prisoners and their belongings to ensure that prisoners and their property are free of contraband. Security personnel are required to be present when cells are unlocked or entered, when prisoners are moved into or out of the cellblock or holding cell areas, when prisoners of the opposite sex are being handled, or when meals are being served. Female and juvenile prisoners must be separated by sight and sound from adult male prisoners within the cellblock. While in the cellblock, security personnel must observe and count the prisoners at regular intervals.

Prisoner Transportation

The USMS is responsible for transporting prisoners to and from judicial proceedings. Producing prisoners for court and detention-related activities requires USMS coordination with the U.S. Courts, Probation and Pretrial Service Offices, the BOP, U.S. Attorneys, and other law enforcement agencies.

Some jails agree to transport prisoners to and from courthouses at specified rates through an Intergovernmental Agreement (IGA) for guard services; other prisoners are transported by USMS operational personnel and contract guards. Security personnel coordinate with jails to prepare prisoners for transport, search prisoners prior to transport, and properly restrain prisoners during transportation.

In addition, the USMS is responsible for transporting prisoners between detention facilities for attorney visits, to and from medical appointments when necessary, and to a designated BOP facility after sentencing. When prisoners are wanted in more than one district for multiple federal violations, the USMS is responsible for transporting prisoners to the requesting district upon completion of the court process in the home district.

Finally, the USMS operates and maintains the fleet of aircraft that comprise the Justice Prisoner and Alien Transportation System (JPATS). JPATS is a revolving fund – total operating costs are reimbursed by its customer agencies, primarily the USMS Federal Prisoner Detention (FPD) appropriation and the BOP. JPATS coordinates movement of the majority of federal prisoners and detainees in the custody of the USMS and the BOP. JPATS also transports Department of Defense, and state and local prisoners on a reimbursable, space-available basis.

Prisoner Confinement and Services

The USMS must ensure sufficient resources are available to house and care for the corresponding detainees. To ensure that federal detainees are being confined securely and humanely and to protect their statutory and constitutional rights, the USMS established the Conditions of Confinement Program. Security personnel conduct annual reviews of all active Intergovernmental Agreement (IGA) facilities. Additionally, detention facility inspections are required before the USMS enters into an IGA with a facility to house prisoners.

The care of federal detainees in private, state, and local facilities, and the costs associated with these efforts are funded from the FPD appropriation. FPD resources are expended from the time a prisoner is brought into USMS custody through termination of the criminal proceeding and/or commitment to BOP. Detention resources provide for detainee housing and subsistence, health care and medical guards, intra-district transportation, JPATS transportation, process improvements, and incidental costs associated with prisoner housing and transportation such as prisoner meals while in transit and prisoner clothing.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE										
Decision Unit: Prisoner Security and Transportation										
RESOURCES (\$ in thousands)										
TYPE	Target		Actual		Target		Changes		Requested (Total)	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	FY 2016		FY 2016		FY 2017		Current Services Adjustments and Program Changes FY 2018		FY 2018 Request	
	1,027	\$259,301 [0]	1,037	\$264,432 [52,700]	1,027	\$259,647 [8996]	(153)	(\$29,326) [0]	874	\$230,121 [8996]
PERFORMANCE	FY 2016		FY 2016		FY 2017		Current Services Adjustments and Program Changes FY 2018		FY 2018 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Program Activity	1,027	\$259,301 [0]	1,037	\$264,432 [52,700]	1,027	\$259,647 [8996]	(153)	(\$29,326) [0]	874	\$230,121 [8996]
Performance Measure: Workload	52,644		51,400		53,214		0		53,214	
Performance Measure: Outcome	98%		100%		98%		0%		98%	
Performance Measure: Outcome	820,800		836,522		833,047		0		833,047	
Performance Measure: Outcome	\$86.46		\$86.83		\$88.05		\$0.00		\$88.05	

* Denotes inclusion in the DOJ Quarterly Status Report
 ** Reported as part of the USMIS Federal Prisoner Detention Appropriation

Data Definition, Validation, Verification, and Limitations:

Performance Measures – Workload

1. Average Daily Prisoner Population:

- a) **Data Definition:** Average Daily Prisoner Population is calculated on a per capita, per day basis.
- b) **Data Validation and Verification:** Data is maintained by the Justice Detainee Information System (JDIS). Monthly data from JDIS relating to paid detention beds is verified each month by completing a comparison, by district, between obligation data being reported out of UFMS and prisoner program data reported from JDIS.
- c) **Data Limitations:** Limited by the timely entry of prisoner data into JDIS.

Performance Measures – Outputs, Efficiencies, and Outcomes

2. Percent of Monitoring reviews completed for active IGAs:

- a) **Data Definition:** Percentage of IGA facilities used by the USMS to house prisoners with a completed monitoring review.
- b) **Data Validation and Verification:** Each year USMS personnel run reports comparing the facilities that should be inspected to those that were inspected.
- c) **Data Limitations:** Limited by the timely entry of monitoring review results and identifying the appropriate facilities.

3. Total Prisoner Productions:

- a) **Data Definition:** Total prisoners produced data combines both the USMS District counts and DC Superior Court counts, and includes the number of times prisoners are produced for judicial proceedings, meetings with attorneys, or transported for medical care, between offices and between detention facilities.
- b) **Data Validation and Verification:** USMS District data is maintained by JDIS. DC Superior Court data is maintained by a locally-managed database and is updated daily. DC Superior Court will be transitioning to JDIS in the near future.
- c) **Data Limitations:** Limited by the timely entry of prisoner data into JDIS and DC Superior Court's database, as appropriate. For DC Superior Court, more than 95% of prisoner productions are entered into the system on the same day they occur.

4. Average Detention Cost (Housing, Medical, and In-District Transportation):

- a) **Data Definition:** Total detention costs represent the aggregation of paid jail costs and health care costs on a per capita, per day basis.

- b) **Data Validation and Verification:** Data reported is validated and verified against monthly reports describing district-level jail utilization and housing costs prepared by the USMS. In accordance with generally accepted accounting principles, the USMS routinely monitors its financial data for new obligations and de-obligations.
- c) **Data Limitations:** Maintaining prisoner movement data is a labor-intensive process. The reliability of the reported data is often compromised by time lags between the actual movement of prisoners and data entry of those events into JDJS. Accordingly, it is often necessary to delay reporting of official statistics several weeks to ensure that prisoner movement records have been properly updated. Data reported reflect the anticipated cost of services provided to USMS prisoners. In the event that the actual cost is different from the anticipated cost, additional funds may need to be obligated or obligated funds, de-obligated. Due to the time lag between the rendering of services and the payment of invoices, several weeks may lapse before the actual cost of health care services provided to an individual prisoner can be determined.

PERFORMANCE MEASURE TABLE

Decision Unit: Prisoner Security and Transportation

Performance Report and Performance Plan Targets		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Actual	Target
Performance Measure: Workload	1. Average daily prisoner population	N/A		59,542		55,420		55,420		52,644		53,214		53,214	
Performance Measure: Outcome	2. Percent of monitoring reviews completed for active IGAs			Established Baseline		94%		94%		98%		98%		98%	
Performance Measure: Outcome	3. Total prisoner productions	N/A		1,018,693		940,636		940,636		820,800		833,047		833,047	
Performance Measure: Outcome	4. Average detention cost (housing, medical, and in-district transportation)**	N/A		\$80.33		\$82.92		\$82.92		\$86.46		\$88.05		\$88.05	

N/A = Data unavailable

* Denotes inclusion in the DOJ Quarterly Status Report

** Reported also as part of the USMS Federal Prisoner Detention Appropriation

3. Performance, Resources, and Strategies

The USMS assures the integrity of the federal judicial system by maintaining the custody, protection, and security of prisoners and ensuring that criminal defendants appear for judicial proceedings. Efficient management of detention resources necessitates that the USMS continuously analyze the courts' need for prisoners in relation to detention facility location and cost. This evaluation results in strategic movement of prisoners to various detention facilities as their cases progress. Prisoners are moved to closer facilities when they are more often needed to appear for court (for example, pretrial prisoners). Prisoners are moved to more distant facilities (which are often less costly) as their need to appear in court decreases. The USMS annually reviews every detention facility it utilizes to ensure conditions of confinement are humane and provide adequate security.

Measure: Average Detention Cost

FY 2016 Target: \$86.46

FY 2016 Actual: \$86.83

FY 2018 Projected: \$88.05

Strategy: Develop defined business practices with BOP to better track, manage, and utilize federal detention space within BOP

Improving detention contract management: The USMS improved detention contractor performance monitoring by establishing an on-site monitoring program staffed by full-time professional Detention Contract Administrators in two districts where USMS uses private detention facilities to house prisoners. The Detention Contract Monitoring Program will ensure Contracting Officer's Representatives are better trained in detention matters, improving contract monitoring and service.

Improving conditions of confinement: The USMS revised the Federal Performance Based Detention Standards to incorporate the DOJ Guiding Principles outlined in "Report and Recommendations Concerning the Use of Restrictive Housing." This revision incorporates guiding principles applicable to a pre-trial private detention environment which exceed the standards previously codified in the Standards. The revised Standards addressed a Presidential Memorandum and improved conditions of confinement for prisoners in restrictive housing.

Strategy: Transition to the Justice Automated Booking System

To facilitate the transition to the Justice Automated Booking System, the USMS developed a prototype of an electronic signature pad and electronic versions of key property and medical release paper forms that detention personnel can sign and store digitally. These electronic versions will replace multi-part paper forms and simplify sharing information as defendants move through USMS jurisdictions to BOP facilities. Additionally, the USMS will save \$27,000 annually by eliminating printing, storing, and archiving costs of paper forms.

Strategy: Assess the feasibility of establishing regional post-sentencing receiving centers

The USMS initiated a pilot project at the Robert A. Deyton Detention Facility in the Northern District of Georgia to test the viability of establishing Regional Receiving Centers as staging areas for sentenced prisoners pending movement to their designated BOP facilities. The pilot project, expected to conclude by June 2017, serves as a proof of concept, enabling the USMS to assess staffing needs, improve the sentence-to-commitment workflow, and identify best practices and lessons learned. Regional Receiving Centers will improve availability of detention beds in court cities, and enable the USMS to adjust detention capacity to meet changing demands.

Strategy: Assess the feasibility and cost-effectiveness of implementing strategically sourced detention services

USMS established a Restraint Blanket Purchase Agreement (BPA) with an associated directive and SOPs to allow districts to order USMS-approved restraining devices at a competitive price using a standard procurement process. The competitive national award of the common USMS Restraint BPA will result in cost savings by eliminating unnecessary BPAs; improving inventory control, reporting, and budget forecasting; and providing uniform restraint devices across all districts.

Strategy: Automate the IGA review process to increase standardization, meet applicable regulations and laws, and target areas for improvement

The USMS issued the 2016 Detention Services Price Analysis Guide for detention and correctional services contracts and IGAs to assist organizations in performing pre-negotiation price analysis when determining reasonableness of price for services, forecasting budgetary estimates, and conducting market research. The guide, which has generated \$204.3 million in cost savings since its implementation in 2007, will continue to help the USMS negotiate fair and reasonable per diem rates at IGA facilities.

Strategy: Develop cost effective solutions for the care of chronically ill USMS prisoners

The USMS continued to refine the requirements of the National Managed Care Contract Statement of Work. These refinements will reduce pharmacy costs by re-establishing a pharmacy program with medication discounts and generic medication substitutions and streamline prisoner medical bill payments by ensuring prisoner medical claim processing and payments comply with the Medicare payment standards established by 18 U.S.C. 4006. The USMS will also ensure contract requirements are consistent with the new USMS data management system.

D. Protection of Witnesses

<i>Protection of Witnesses</i>	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	207	178	\$36,734
2017 Continuing Resolution	207	146	\$36,647
Adjustments to Base and Technical Adjustments	63	115	\$18,224
2018 Current Services	270	261	\$54,871
2018 Program Increases	2	1	\$668
2018 Request	272	262	\$55,539
Total Change 2017-2018	65	116	\$18,892

<i>Protection of Witnesses – IT Breakout (of Decision Unit Total)</i>	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	3	3	\$3,457
2017 Continuing Resolution	3	3	\$3,232
Adjustments to Base and Technical Adjustments	0	0	\$218
2018 Current Services	3	3	\$3,450
2018 Program Increases	0	0	\$0
2018 Request	3	3	\$3,450
Total Change 2017-2018	0	0	\$218

1. Program Description

The Witness Security Program (WSP) provides protection for government witnesses whose lives are threatened as a result of their testimony against drug traffickers, terrorists, organized crime members, and other major criminals. The program also provides physical security during trial proceedings, assistance to create new identities, and relocation of witnesses and their families after trial. The successful operation of the WSP is widely recognized as providing a unique and valuable tool in the government's war against organized crime, drug cartels, violent criminal gangs, and terrorist groups.

Three DOJ components work collaboratively to administer the WSP. The Criminal Division's Office of Enforcement Operations authorizes the entry of witnesses into the program. The BOP protects witnesses incarcerated in federal prison facilities. The USMS protects civilian witnesses and their families, providing protection, relocation, re-identification, and assistance with housing, medical care, job training, and employment until they become self-sufficient.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Protection of Witnesses											
RESOURCES (\$ in thousands)											
TYPE	Target		Actual		Target		Changes		Requested (Total)		
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	
Total Costs and FTE (Reimbursable: FTE are included, but costs are bracketed and not included in totals)	147	\$36,734 [\$782]	179	\$37,231 [\$318]	147	\$36,647 [\$661]	116	\$18,892 [\$0]	263	\$55,539 [\$661]	FY 2018 Request
PERFORMANCE	FY 2016		FY 2016		FY 2017		Current Services Adjustments and Program Changes		FY 2018 Request		
Program Activity	147	\$36,734 [\$782]	179	\$37,231 [\$318]	147	\$36,647 [\$661]	116	\$18,892 [\$0]	263	\$55,539 [\$661]	
Performance Measure: Workload	18,760		18,755		18,830		0		18,830		
Performance Measure: Output	2,560		2,455		2,550		0		2,550		
Performance Measure: Outcome	138		133		125		0		125		

* Denotes inclusion in the DOJ Quarterly Status Report

Data Definition, Validation, Verification, and Limitations:

Performance Measures – Workload

1. Total number of witness security program participants:

- a. **Data Definition:** The total number of program participants, including immediate family members.
- b. **Data Validation and Verification:** Case managers ensure the accuracy of data submitted to headquarters.
- c. **Data Limitations:** Case management provides data on a monthly basis.

Performance Measures – Outputs, Efficiencies, and Outcomes

2. Protective services required/provided for witnesses (includes court productions):

- a. **Data Definition:** Total number of witness productions, prisoner witness transports, prisoner witness family visits, preliminary interviews, temporary relocations, documentation initiations, documentation services (delivery-other), and breach investigations.
- b. **Data Validation and Verification:** Regional managers ensure the accuracy of data submitted to headquarters.
- c. **Data Limitations:** Witness Security Division (WSD) regions provide data to headquarters on a monthly basis.

3. Security breaches mitigated:

- a. **Data Definition:** An action taken to mitigate a reported or detected event capable of compromising a protected witness' identity, location or general security.
- b. **Data Validation and Verification:** Validation occurs when the actions taken have been documented, reviewed, and approved. Verification occurs when internal audits are conducted to identify the efficiency and effectiveness of the actions taken.
- c. **Data Limitations:** The total number of security breaches is dependent upon the number of breaches reported or detected. Actions to mitigate the security breaches only occur when security breaches are detected or reported. A substantial number of security breaches are believed to be unreported or undetected.

PERFORMANCE MEASURE TABLE

Decision Unit: Protection of Witnesses

Performance Report and Performance Plan Targets		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Measure: Workload	1. Total number of witness security program participants	N/A		18,516	18,574	18,685	18,760	18,751	18,830	18,830	18,830	18,830	18,830	18,830	18,830
Performance Measure: Output	2. Protective services required/provided for witnesses (includes court productions	N/A		3,334	3,629	2,477	2,560	2,455	2,550	2,550	2,550	2,550	2,550	2,550	2,550
Performance Measure: Outcome	3. Security breaches mitigated*	N/A		256	210	152	138	133	125	125	125	125	125	125	125

* Denotes inclusion in the DOJ Quarterly Status Report

3. Performance, Resources, and Strategies

The funding is necessary to ensure that critical protective services are provided to protected witnesses testifying in direct support of significant DOJ prosecutorial efforts against organized crime, international drug trafficking organizations, violent street gangs, and international terrorist groups. The USMS continues to examine WSP methodologies to ensure that effective protection and security services are provided to protected witnesses and authorized participants while also exercising cost efficiencies.

Measure: Security Breaches Mitigated

FY 2016 Target: 138

FY 2016 Actual: 133

Strategy: *Define levels of service, potential growth, and impact to resources*

Streamlining administrative and operational planning: Two key objectives of protection involve the safe movement of witnesses and their appearance in court. During FY 2016, the USMS modified its application management system to centralize and standardize administrative and operational planning. This new tool streamlined the approval and notification functions, eliminating cumbersome, inconsistent, manual processes. It enables management to track resources, personnel, and costs by record, date, or location. The application improves witness security business processes by ensuring operational plans are complete, consistent, and receive appropriate approvals. Financial controls verify that expenses are categorized correctly and in compliance with USMS policies related to financial and workload reports.

Continuing strategic risk mitigation: In FY 2016, USMS successfully completed the first part of a two-phase project to develop and use risk assessment tools for more effective program management. This project shifts decision-making from a manual approach to an enhanced operational decision-making process that enables improved decision logic. Phase I confirmed the critical decision elements and the creation of a prototype tool to assess risk and enhance the retention of witnesses in the protection program. In Phase II, the prototype tool will evolve into an enterprise-wide application that incorporates core business processes for witness protection of witnesses, with an application that leverages geospatial capabilities to support relocation-based decisions. These tools will strengthen the USMS's ability to assess and manage risk while supporting the development of risk-based decision logic and informed management plans with the ultimate intent of improving retention.

E. Tactical Operations

<i>Tactical Operations</i>	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	177	174	\$45,592
2017 President's Budget	177	174	\$47,496
Adjustments to Base and Technical Adjustments	(4)	(6)	\$1,814
2018 Current Services	173	168	\$49,310
2018 Program Increases	2	1	\$5,617
2018 Request	175	169	\$54,927
Total Change 2017-2018	(2)	(5)	\$7,431

<i>Tactical Operations – IT Breakout (of Decision Unit Total)</i>	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	3	3	\$3,457
2017 President's Budget	3	3	\$3,232
Adjustments to Base and Technical Adjustments	0	0	\$218
2018 Current Services	3	3	\$3,450
2018 Program Increases	0	0	\$0
2018 Request	3	3	\$3,450
Total Change 2017-2018	0	0	\$218

1. Program Description

The Tactical Operations decision unit includes special operations and emergency management.

Special Operations

The Special Operations Group (SOG) supports the DOJ and other government agencies with a highly-trained, rapidly deployable force of law enforcement officers for tactical response. Based at the Special Operations Group Tactical Center (SOGTC) in Camp Beauregard, Louisiana, SOG is a unit of DUSMs who meet high qualification standards and complete rigorous training in a variety of specialties. SOG supports all U.S. judicial districts by assisting with high-risk, sensitive law enforcement operations including protective details, national emergencies, civil disturbances, and national disasters. Military, federal, state, local, and foreign law enforcement groups often call upon SOG for training due to the extensive training of its members in various tactical specialties.

SOG also oversees the Operational Medical Support Unit (OMSU), which is composed of both SOG Medics and Collateral Duty DUSM Medics. The OMSU program manages, trains, and

equips USMS DUSMs who possess a current Emergency Medical Technician (EMT) or EMT-Paramedic certification.

Emergency Management and Response

All USMS operational missions that fall under emergency management and response are coordinated through the USMS Communications Center and the Emergency Operations Center (EOC). The Communications Center operates around the clock to ensure interagency and intra-agency flow of communication. It provides informational assistance to DUSMs in the field who are tracking fugitives, developing leads, and confirming warrants. It also receives, tracks, and disseminates all significant incidents and classified information relevant to the USMS.

The EOC is activated during emergency incidents that require a coordinated agency-wide response, including responses under the federal government's National Response Framework. The EOC is a critical element to ensure coordination and oversight of USMS deployments during emergencies, particularly when other government agencies are also involved.

In addition to the EOC, emergency management officials maintain the Continuity of Operations (COOP) plan for the USMS Headquarters and coordinate the COOP plans of all 94 districts in accordance with Federal Continuity Directives and DOJ Order 1900.8.

The USMS also oversees Incident Management Teams (IMTs) that are trained under the principles and doctrines of the National Incident Management System and the Incident Command System, in accordance with Homeland Security Presidential Directive 5. These teams deploy in support of USMS operations when an incident or event exceeds the capabilities of the district's or division's resources or when multiple districts or divisions are affected.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Tactical Operations											
RESOURCES (\$ in thousands)											
TYPE	Total Costs and FTE (Reimbursable: FTE are included, but costs are bracketed and not included in totals)	Target		Actual		Target		Changes		Requested (Total)	
		FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
		FY 2016		FY 2016		FY 2017		Current Services Adjustments and Program Changes FY 2018		FY 2018 Request	
		211	\$45,592 [\$12,197]	187	\$46,817 [\$10,952]	211	\$47,496 [\$11,515]	(5)	\$7,431 [\$0]	206	\$54,927 [\$1,515]
	PERFORMANCE	FY 2016		FY 2016		FY 2017		Current Services Adjustments and Program Changes FY 2018		FY 2018 Request	
Program Activity		211	\$45,592 [\$12,197]	187	\$46,817 [\$10,952]	211	\$47,496 [\$11,515]	(5)	\$7,431 [\$0]	206	\$54,927 [\$12,197]
Performance Measure: Output	1. Number of high-threat and emergency situations supported through special operations and assignments	39		313		Retired		Retired		Retired	
Performance Measure: Output	2. Number of special operational hours dedicated to high-threat and emergency situations.	49,679		31,048		43,412		0		43,412	

N/A = Data unavailable

Data Definition, Validation, Verification, and Limitations:

Performance Measures – Outputs, Efficiencies, and Outcomes

**1. Number of high-threat and emergency situations supported through special operations and assignments – Retired:
Transition to *number of special operation hours dedicated to high-threat and emergency situations***

- a. **Data Definition:** This represents the number of times a special occurrence or event happened where special operations and assignment resources and/or staff were deployed in response.
- b. **Data Validation:** Deployments are validated against financial and special assignment data.
- c. **Data Limitation:** Deployments are tracked via a manual process.

2. Number of special operation hours dedicated to high-threat and emergency situations – New (see note above)

- a. **Data Definition:** The number of hours USMS SOG members expended in response to a high threat or emergency event. Success is defined as actuals below the target. Target represents maximum performance.
- b. **Data Validation:** Hours are validated against financial and special assignment data.
- Data Limitation:** Hours are tracked via a manual process.

PERFORMANCE MEASURE TABLE

Decision Unit: Tactical Operations

Performance Report and Performance Plan Targets		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Measure: Output	1. Number of high-threat and emergency situations supported through special operations and assignments	52		75		113		120		59		111		Retired	
Performance Measure: Output	2. Number of special operational hours dedicated to high-threat and emergency situations.	N/A		N/A		N/A		N/A		49,679		31,040		43,412	

3. Performance, Resources, and Strategies

The USMS provides effective assistance to all levels of government during emergencies, disasters, and times of heightened law enforcement requirements. The USMS deploys personnel and equipment in response to extraordinary district requirements, ensuring adequate resources are provided to maintain the integrity of the judicial process. The USMS is committed to:

- improving its capability to deploy personnel and equipment in response to terrorist acts, natural disasters, and other external missions directed by the Attorney General;
- maintaining operational readiness for efficient movement of people and equipment; and coordinating communication between the Strategic National Stockpile Security Operations Unit and the Centers for Disease Control and Prevention to ensure adequate dissemination of intelligence information to thwart or respond to terrorist activities.

Measure: Number of special operational hours dedicated to high-threat and emergency situations

FY 2016 Target: 49,679

FY 2016 Actual: 31,040

Strategy: *Expand the USMS' medical response capability and ensure adequate medical support for the mission*

Providing medic support to USMS missions: OMSU medics are the USMS's key provider of medical support to district and national judicial missions. The effectiveness of the OMSU program in providing immediate medical support during missions has generated an increase in the number of requests for OMSU medics. To address this increased need, the USMS expanded its medical response capability, by including DUSMs who are currently certified as EMTs. The USMS has developed a long-term budget strategy to guarantee adequate funding to conduct mandatory specialty and re-certification training for these positions.

Training to deal with active threats: The USMS provided training to HQ operational and administrative employees on Active Shooter/Active Threat trauma medicine. This training is vital in preparing USMS HQ employees for a variety of situations. For this training, operational employees benefited from an updated Deputy Trauma Curriculum that included revised tactical guidelines and modernized videos. All OMSU medics and 15 SOG medics are certified to teach the updated curriculum. Additionally, OMSU DUSM medics instructed medical training for stand-alone Deputy Trauma Courses in districts and divisions as well as for Deputy Trauma Courses in conjunction with HRFA courses.

Deploying the Automatic Electronic Defibrillator (AED) Program: AEDs provide first responders with an effective means of treating and reversing cardiac arrest within minutes. The USMS provides AED training to its employees and court staff to render critical, life-saving measures to employees and members of the public; only those who complete the training are authorized to use them. The USMS AED program complies with the recognized standards of the American Heart Association certification policy. To increase program effectiveness, the USMS developed new AED policy requirements and operating procedures to ensure consistency across all districts and divisions, sourced new equipment suppliers, and established a cyclical replacement plan for obsolete AED units. Additionally, the USMS

revised training materials to include more stringent standards to meet certification requirements and certified 32 instructors to train personnel.

Strategy: Ensure sustainable tactical communication and network functionality and delivery of services

Delivering tactical communications support: The USMS routinely deploys communications networks to further various agency missions and in support of other federal, state, and local law enforcement efforts. In FY 2016, the USMS deployed tactical communications support for special missions such as an Amber Alert, a non-profit sporting event that required the assistance of law enforcement, the Republican and Democratic National Conventions, a courthouse protest of more than 1,000 people, and a large-scale fugitive round-up. For these special missions, the USMS deployed satellite phones, MSATs, video surveillance equipment, radios programmed to federal law enforcement channels, desktop base station radios, and a Mobile Command Center. The USMS provided on-the-spot equipment training to local law enforcement personnel detailed to the missions.

Providing reliable radio communications at U.S. Court facilities: The USMS provides reliable, encrypted radio communication capabilities in United States Court facilities and manages the courthouse tactical communications systems for DUSMs, CSOs, and courthouse personnel. In FY 2016, the USMS replaced seven aging radio repeater systems at U.S. Courthouses and installed six new repeaters at sites that previously relied on handheld radios for communications. These repeaters improved radio coverage at courthouses, and the safety of the CSOs and court staff. The USMS deployed 150 new portable radios to replace obsolete equipment, and refurbished and reissued approximately 200 radios. These initiatives will help to ensure courthouse communications systems continue to function optimally and substantially save further expenditures.

Updating and expanding radio transmissions: Through its Marshals Service Communication Application Network, the USMS provides Over The Air Re-Key (OTAR) and command-and-control functionality to CSOs and DUSM radios at U.S. Court facilities and radio systems nationally. This program uses a consolidated network to transmit radio information to U.S. District Courthouses, resulting in a significant cost savings as traditionally network connections between sites would require a separate Internet or telephone circuit. In FY 2016, the USMS improved the reliability of OTAR and other system functionality and made significant progress in migrating away from legacy equipment by continuing to update the Marshals Service Communication Application Network. Additionally, in FY 2016, new OTAR capability was provided to additional sites across the country, expanding this capability to all USMS and CSO users:

V. Program Increases by Item

Item Name: Deputy U.S. Marshals Life and Safety

Budget Decision Unit(s): Judicial and Courthouse Security
Fugitive Apprehension
Prisoner Security and Transportation
Protection of Witnesses
Tactical Operations

Organizational Program: Cyclical Equipment Replacement

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$12,000,000

Description of Item

The USMS requests **\$12,000,000** for the cyclical replacement of body armor, radios, vehicles, surveillance equipment, as well as Special Operations Group (SOG) selection, specialty and mandatory recertification and equipment. This funding would enable the USMS to institutionalize the replacement cycle so that equipment is replaced on a regular annual basis.

Justification

The USMS received approximately 1,000 new positions between 2009 and 2010. The positions came with modular costs to include vehicles, radios, computer and protective equipment. In subsequent years, the USMS never received full funding for these positions. As a result, rising mandatory costs, such as salary/benefits and rent have eroded base funding for equipment associated with these new hires. To sustain the positions, the USMS lost its flexibility to fund cyclical replacement needs going forward. The USMS will continue to implement cost-cutting efforts in all areas wherever possible.

LAND MOBILE RADIOS (LMR) – \$2,683,000

Land mobile radios are vital for operational communications within the USMS and are critical in all officer safety scenarios. The USMS issues dual band equipment that is interoperable with all other federal components, as well as state and local law enforcement partners and agencies throughout the country.

The request would fund a five-year replacement cycle to ensure that deputies have reliable and encrypted communications, and that the USMS stays abreast of the latest technology. Maintaining a reliable replacement cycle ensures that the equipment stays within the manufacturer's five-year serviceable schedule. Retaining models past five years is costly because parts may not be available. In the worst case, manufacturers stop producing spare parts for models outside the 10-year production run.

The USMS requests **\$2,683,000** to upgrade outdated LMR equipment on a five-year schedule. Each deputy is issued a handheld radio at a cost of \$8,400 each and accessories such as batteries,

antennas, and earpieces are \$900 per deputy. Every vehicle is equipped with a mobile radio at a cost of approximately \$9,400 each to include installation.

Item	Quantity	Unit Cost	Total Cost	Replacement Cycle	Annual Replacement Cost
Handheld radios	735	\$8,400	\$6,174,000	5 years	\$1,235,000
Handheld radio accessories	735	\$900	\$661,500	5 years	\$132,000
Mobile radios, access and install	700	\$9,400	\$6,580,600	5 years	\$1,316,000
Total					\$2,683,000

Effective and encrypted tactical communications capabilities are essential to the safety of DUSMs during the performance of their duties. Funding this initiative would ensure that the LMR program within the USMS stays at the forefront of tactical communications technology and is able to provide operational personnel with the best possible communications solution during the execution of dangerous missions.

The request would allow the USMS to purchase 147 handheld radios and 140 mobile radios each year. The USMS assumes a replacement cycle of five years.

SPECIAL OPERATIONS GROUP (SOG) SELECTION, SPECIALTY AND MANDATORY RECERTIFICATION TRAINING – \$2,263,000

The USMS requests **\$2,263,000** to establish base funding to support annual, recurring requirements for the SOG Selection Course, Specialty Training, and Mandatory Recertification Training (MRT) as well as Law Enforcement Safety Training Program (LESTP) initiatives and related equipment.

Item	Unit Cost	Quantity	FY 2018 Request
Mandatory Recertification Training (MRT)	\$500,000	2	\$1,000,000
Specialty Training Recertification	\$287,000	1	\$287,000
SOG Selection Course	\$300,000	1	\$300,000
Operational, Training and Protective Equip.	\$540,000	1	\$540,000
Specialty Training and Operational Vehicles	\$135,475	1	\$136,000
Total			\$2,263,000

The USMS SOG is a highly trained tactical unit that conducts specialty operations both within and outside the United States. SOG is deployed to support the DOJ and the USMS operations, which span the range of federal law enforcement missions. SOG's specialty operations support

fugitive apprehension, violent sex offender targeted missions, terrorist trials, high-threat prisoner movements, witness security operations, national emergencies, and other missions as ordered by the U.S. Attorney General. Other missions include, but are not limited to, civil disorders, protection of at-risk health facilities and staff, large scale seizures, actions against anti-government and militia groups, and stability and reconstruction efforts. SOG support occurs when a situation is beyond the capability of USMS districts or divisions.

SOG members must maintain the necessary skills to provide tactical support to the USMS and DOJ. The USMS complies with the National Tactical Officers Association (NTOA) training standard of 192 training hours annually per SOG member. It is imperative that SOG members are properly trained to handle the most complex and high-risk missions. A well-trained tactical unit increases officer safety and maximizes efficiency when executing high-risk operations.

Membership in SOG is voluntary. DUSMs interested in joining must submit a comprehensive application package which is competitively graded and scored. Once selected to attend training, candidates undergo a physically rigorous and mentally challenging SOG Selection Course. SOG Selection is a 30-day course where DUSMs are trained in all aspects of SOG equipment, tactics, and SOG standard operating procedures. Each applicant is evaluated in various critical skills to ensure they meet the higher standards of SOG. The course tests DUSMs under physical and mental stress to simulate real world operations in austere environments. SOG Selection courses begin with 30 to 50 candidates, depending on the number of qualified applicants. About 30% of the candidates successfully complete the training and become members of the unit. Failure to complete the course is usually attributed to failure to meet minimum firearms qualification scores, injuries, or voluntarily leaving training for personal reasons. Tenure in SOG varies greatly, from one year to 25 years. As the number of SOG members diminishes, the USMS must conduct annual SOG Selection Training to maintain a force that can manage multiple, simultaneous missions. DUSMs who complete the SOG Selection Course must also be fully equipped and trained in additional specialty areas.

The USMS SOG participated in the Rule of Law, Stability and Reconstruction Programs in Iraq and Afghanistan through reimbursable agreements with DOS and DOD from 2004 through 2014. By enhancing judicial security in these countries, SOGs efforts allowed fair and transparent court processes. The USMS relied on this funding to support USMS SOG training and equipment; however, the SOG mission in Iraq ended in 2011 and the SOG mission in Afghanistan was terminated in September 2014. The requested increase is the minimum required to maintain operational readiness now that the USMS no longer receives DOS and DOD funding.

The USMS has no dedicated base funding to support the requirements for the SOG Selection Course and related equipment; MRT; Specialty Training and recertification; operational training and protective equipment; and operational vehicles. SOG training and equipment costs are separate from the normal cost module for new positions. Funding for training includes travel, per diem, food, contractor administrative support, instructor overtime, and training supplies including ammunition and targets. Funding for equipment includes personal protective equipment, uniforms, firearms, operational ammunition, night vision devices, breaching equipment, communication equipment, and armored vehicles.

The USMS trains SOG deputies at the Special Operations Group Tactical Center (SOGTC), within the confines of Camp Beauregard, the Louisiana Army National Guard (LANG) base in Pineville, Louisiana. The USMS leases four separate facilities from LANG totaling

approximately 120,000 square feet on 200 acres of property. SOG is the only tactical unit within the USMS. Through its 85 collateral SOG members and its 75 Operational Medical Support Unit Deputy Medics, the USMS provides immediate regional support for daily operations across the country. SOG members participate in fugitive intensive strike teams targeting violent federal and state fugitives, to include sex offenders. These tactically-trained Deputies help reduce the number of violent felons on the street correlating to the reduction of trafficking, the use of illegal drugs, and the diversion of licit drugs. SOG operations directly support initiatives to reduce violent crime, take guns off the street and target violent criminal gangs.

The specialized areas of instruction during SOG training include sniper/observer, explosive and manual breaching, evasive driving, waterborne operations, less-lethal chemical and impact munitions and weaponry, tactical medicine, high angle insertion, weapons of mass destruction, various types of instructor training, civil disturbance, and officer safety training among others. SOG trains several times a year to comply with national standards for training of tactical and medical personnel.

The core of the SOG workforce comprises highly trained criminal investigators who are activated and respond to SOG missions when necessary. When not on a SOG deployment, these criminal investigators are assigned full-time to USMS districts across the nation, where they perform their normal duties as DUSMs. SOG's pool of well-trained, instructor-certified DUSMs provides district and regional training to mitigate risk to DUSMs in the field. This includes, but is not limited to, medical training, advanced firearms training and qualification, Active Shooter/Active Threat training, tactical entry training and Taser certification.

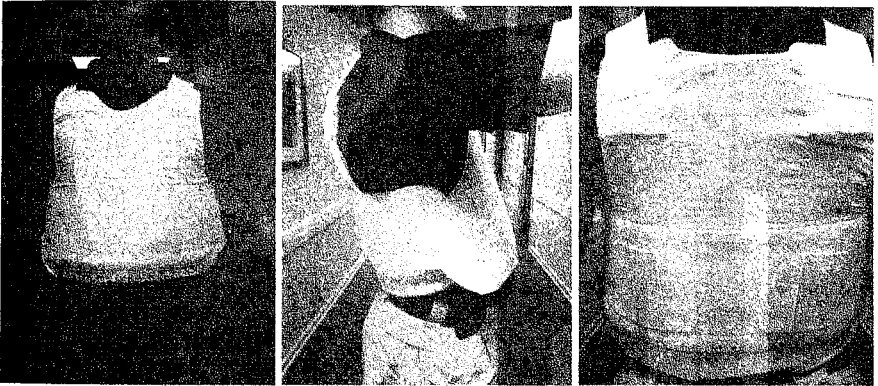
The USMS is specifically sought after to conduct national security operations on behalf of various U.S. Government entities due to its unequaled authority and jurisdiction. The USMS SOG is often chosen for these national security operations due to the sensitive, covert nature of these missions, which require personnel with elevated security clearances and specific training, equipment and tactical assets. These programs, which directly affect the ability to prevent terrorism and promote the Nation's security consistent with the rule of law, will be at risk if this initiative is not properly funded to train and equip its personnel.

BODY ARMOR – \$1,330,000

The USMS currently issues every operational employee a body armor kit that consists of an Urban Assault Vest (UAV), Undercover Vest (UC), and Multi-Mission Armor Carrier (MMAC) plate carrier. Each body armor kit is precisely measured to fit a specific individual and cannot be re-used by others. The USMS purchased and issued the majority of the vests in 2012. The USMS replaces body armor every five years, which is also the length of the manufacturer's warranty.



Pictured above is the Urban Assault Vest (UAV) typically used for task force operations and protective security details. The UAV includes a nylon vest (in green) and flexible armor panels inserted inside the nylon vest.



Pictured above is the Undercover Vest (UC) typically used in courtroom hearings or during surveillance operations. The UC includes a polyester (white) covering and flexible panels are inserted inside. The UC is worn underneath street clothes.



The Multi-Mission Armor Carrier (MMAC) plate carrier is pictured above. The MMAC is a nylon vest used for high-risk fugitive apprehensions and judicial security events. Rigid ballistic plates are inserted inside the front and back of the vest. The MMAC is worn on top of the Undercover Vest and provides maximum protection.

Item	Quantity	Unit Cost	Total Cost	Replacement Cycle	Annual Replacement Cost
Ballistic Plates and Panels	4,000	\$1,100	\$4,400,000	5 years	\$880,000
Nylon Carriers	4,000	\$500	\$2,000,000	10 years	\$200,000
New Deputies	100	\$2,500	\$250,000		\$250,000
Total					\$1,330,000

In 2013, the USMS conducted body armor testing to determine if the USMS should use the five-year warranty period as the agency's replacement cycle. The USMS determined that body armor panels less than five years old performed exceptionally well, with no penetration and low back-face deformation. Tests of armor that was over five years old resulted in 11 penetrations out of 84 shots taken, and unacceptable back-face deformation. Back-face deformation is an impact of the bullet on the back side of the armor; although the bullet does not penetrate the armor, the deformation would create significant blunt force trauma to the wearer.

In addition to examining body armor test results, the USMS also contacted other DOJ agencies regarding their replacement plans. DEA, FBI, and ATF confirmed that in general, their replacement cycles were consistent with the USMS replacement cycle. The USMS will continue to work with other DOJ components to test body armor based on National Institutes of Justice (NIJ) standards, and conduct additional tests beyond NIJ standards. For example, the USMS plans to add testing protocols to stop bullet fragments, water submersion, and climate variations.

Ballistic plates (both the flexible and rigid plates) are replaced every five years. The nylon carrier is replaced every 10 years. Establishing a normalized five-year replacement cycle for plates and a 10-year cycle for carriers requires **\$1,330,000**.

ELECTRONIC SURVEILLANCE EQUIPMENT – \$1,761,000

Technical surveillance equipment requires consistent funding to keep pace with the commercial wireless broadband industry. The USMS requests **\$1,761,000** for the annual replacement of surveillance equipment to replace or upgrade its capabilities in the cellular surveillance arena as technology advances. The requested increase will maintain and improve electronic and technical surveillance techniques that enhance USMS investigative capabilities. USMS personnel have used this technology to capture the world's most wanted drug traffickers with no loss of life.

The TOG's missions involve lawful intercept of landline and cellular telephones, cellular geo location, GPS and radio frequency tagging/tracking, computer exploitation, computer forensics, and internet investigations including the lawful intercept of electronic mail and voice over internet protocol (VOIP). Without annual replacement funding for sound cyclical replacement, the TOG surveillance equipment inventory could reach block obsolescence once carriers convert to new technology. Should that occur, the USMS could forfeit its internationally-recognized technical investigative expertise and suffer a corresponding degradation to the success of its investigative responsibilities.

The lifecycle of surveillance equipment is directly related to technological advances in cellular protocols, particularly those used in the commercial wireless broadband industry. Technological changes also drive the requirement to update or replace surveillance equipment. For example, Sprint and T-Mobile have shut down older technology and migrated to new networks; since 2014, Verizon only sells smartphones that operate in the 4G Long Term Evolution (LTE) protocol; and AT&T has eliminated support for 2G Global System for Mobile (GSM) technology in 2017. Although LTE was intended to be the new standard for wireless protocols, carriers have already designed variations of that protocol (Verizon has already fielded its LTE Advanced network nationwide).

The Federal Government auction of 500 MHz spectrum to commercial broadband carriers and recent expansion of AWS III & IV spectrum has already extended frequencies and changed telecommunication networks beyond TOG's current electronic surveillance equipment capabilities. Telecommunications carriers are compelling the Third Generation Partnership Project (3GPP) working group to establish 5G network specifications would enable carriers to deploy 5G technologies by late 2019 and completely transition their networks to LTE and 5G by 2022. The 3GPP is a mobile communications industry collaboration that organizes and manages the standards and development of mobile communications standards. With no "finish line" in sight for technological advances, TOG's surveillance equipment requires a consistent funding source to keep pace with the ever changing commercial wireless broadband industry. USMS equipment must be upgraded to maintain current capabilities.

VEHICLE REPLACEMENT - \$3,963,000

The USMS requests at least **\$3,963,000** to fill critical shortages in the districts, and replace vehicles that have exceeded the USMS Vehicle Replacement Standards:

- Sedan Replacement Cycle – 7 years; 100,000 miles
- SUV/PU/Vans Replacement Cycle – 7 years; 100,000 miles
- Armored Vehicle Replacement Cycle – 5 years

The requested funding will allow the USMS to establish a consistent replacement schedule based on a reliable funding source. Four categories of vehicles are candidates for replacement:

- Vehicles which have met the age and mileage replacement standards. These vehicles have higher mileage resulting in higher maintenance costs.
- Vehicles that have not met age replacement standards but have excessive mileage. These vehicles incur higher maintenance costs as well.
- Aged vehicles that have not yet met current replacement standards due to lower mileage. These vehicles tend to have higher fuel consumption rates than current makes/models.
- Vehicle shortages throughout USMS districts. Specifically, there are critical needs in districts which do not have motor pool vehicles due to recent funding constraints. Motor pool vehicles serve as backups to replace those out of service due to unforeseen accidents or mechanical issues. 14 of 94 districts are not assigned a vehicle motor pool.

Category	Inventory Count	Unit Cost	Inventory Value	Replacement Standard	Annual Replacement Cost
Sedans	1,053	\$20,272	\$21,346,000	7 years 100,000 miles	\$5,563,000
SUV / Pickup / Van	3,487	\$25,903	\$90,324,000	7 years 100,000 miles	\$10,089,000
Armored Vehicle /1	185	\$103,430	\$19,135,000	5 years	\$67,000
Vehicle Shortages	272	\$28,500	\$7,752,000	7 years 100,000 miles	\$1,099,000
Total	4,997		\$138,556,704		\$16,818,000
/1 Armored vehicle replacement cost includes \$40K for the vehicle and \$63K for armor.					

The above table shows annual replacement cost for the entire USMS district fleet by category. Currently, the average USMS fleet vehicle is eight years old (FY 2009) with 51,105 miles. Average replacement cost is \$26,000 per vehicle.

Impact on Performance

Cyclical Replacement Program

The request for base funding will allow the USMS to standardize its equipment replacement cycle to purchase much needed replacement of equipment that are likely past its normal useful cycle. Without requested base funding, the USMS will be unable to:

- Maintain a sound protective equipment and vehicle inventory, resulting in increased risk to operational personnel safety during performance of duties;

Maintain access to critical information and data due to service disruptions; and
Issue deputies vehicles and proper equipment to ensure reliable and secure communications during execution of critical missions.

Special Operations Group (SOG) Selection, Training, and Equipment

The USMS SOG cuts across all divisions and districts. As the primary tactical resource for the USMS, SOG supports DOJ and USMS operations throughout the nation and abroad. Ensuring SOG personnel are consistently well-trained and well-equipped is crucial to execution of the core missions and tasks assigned to the USMS by the Attorney General. The SOG's advanced training and superior equipment are the main reasons that USMS tactical teams are requested for special operations around the country.

Funding

Base Funding

FY 2016 Enacted				FY 2017 Continuing Resolution				FY 2018 Current Services			
Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)
0	0	0	\$0	0	0	0	\$0	0	0	0	\$0

Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	Unit Cost (\$000)	Quantity	FY 2018 Request (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)
Body Armor	N/A	N/A	\$1,330	\$0	\$0
Land Mobile Radios	N/A	N/A	\$2,683	\$0	\$0
Vehicle Replacement	N/A	N/A	\$3,963	\$0	\$0
SOG Selection, Mandatory Training & Recertification	N/A	N/A	\$2,263	\$0	\$0
Electronic Surveillance Equipment	N/A	N/A	\$1,761	\$0	\$0
Total Non-Personnel	N/A	N/A	\$12,000	\$0	\$0

Total Request for this Item

Category	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)
Current Services	0	0	0	\$0	\$0	\$0	N/A	N/A
Increases	0	0	0	\$0	\$12,000	\$12,000	\$0	\$0
Total	0	0	0	\$0	\$12,000	\$12,000	\$0	\$0

Item Name: Immigration Enforcement Initiative

Budget Decision Unit(s): Judicial and Courthouse Security,
Fugitive Apprehension
Prisoner Security and Transportation
Protection of Witnesses
Tactical Operations

Organizational Program: Immigration Enforcement

Program Increase: Positions 40 Agt/Atty 40 FTE 20 Dollars \$8,755,000

Description of Item

The USMS requests **40 positions, 40 Deputy U.S. Marshals, 20 FTE, and \$8,755,000** to support the President’s January 25, 2017 Executive Order “Border Security and Immigration Enforcement Improvements.” Implementation of the executive order is likely to increase the number of criminal aliens received into USMS custody. The requested positions will increase the number of Deputy U.S. Marshals dedicated to the increased immigration workload.

Justification

Funding increases for Department of Homeland Security (DHS) components and other additional law enforcement initiatives will dramatically expand the “front end” of the judicial pipeline. These pressures create immense pressure on DOJ as the DHS workload is compressed into the smaller DOJ end of the pipeline. Increased caseloads generated by Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) arrests need to be matched by concurrent resources for DOJ. Without additional funding, the USMS could turn into a “chokepoint” in the federal criminal justice process.

Not all CBP apprehensions are referred for criminal prosecution. Based on FY 2016 statistics, the referral rate is approximately 16.5% – of the 415,816 illegal entrants apprehended by the CBP, 68,731 were referred for criminal prosecution and subsequently housed by the USMS. If the volume of criminal referrals increases to 100,000 per year, the referral rate would be approximately 24%. Accordingly, if some portion of illegal entrance cases that have been previously been disposed of administratively are now prioritized for criminal prosecution, the number of prisoners in USMS custody could increase to more than historic levels.

An increase in immigration enforcement will increase the workload across USMS missions. Below are examples of the impact of the immigration executive orders on the USMS.

Prisoner Operations: Enforcement expansion will likely increase the number of USMS prisoners received and processed. The increased prisoner population will in turn generate additional prisoner housing and medical requirements and a need for augmented prisoner ground and air transportation. The USMS responsibility for ensuring the integrity of the judicial process includes making in-custody defendants available for court proceedings and other judicial processes, and providing safe and secure prisoner housing. Reasonable proximity of prisoner housing to court facilities is essential to accomplishing this statutory requirement.

Judicial Security: An increase in the number of criminal aliens brought before the court will put a strain on court facilities and the judicial process. As these cases are ruled upon in federal court, the outcomes have potential to bring threats of, or actual, violence to judicial officers, witnesses, USMS employees, and facilities. Increased caseload and defendant counts are likely to result in threats to members of the judicial family, which will add to the number of predicated protective investigations and protective details. Increased courthouse traffic will impact security systems and personnel, including an increase to security and facility assessments and incidents.

Investigative Operations: Many USMS Regional Fugitive Task Forces and District Task Forces include DHS members (ICE, CBP, Homeland Security Investigations (HSI)). In the course of conducting fugitive investigations, USMS personnel may come into contact with individuals who are in violation of immigration laws. Those violations are either handled by DHS agents assigned to the task force or passed to appropriate DHS offices for action. The USMS District Task Forces conduct fugitive investigations when federal warrants have been issued for violations of criminal laws in certain immigration cases or violations of release conditions in immigration cases.

Impact on Performance

This initiative will enable the USMS to implement and maintain an integrated strategy that protects the federal judiciary, investigates warrants and arrests fugitives, and manages the prisoner workload resulting from increased immigration enforcement.

Funding

Base Funding

FY 2016 Enacted				FY 2017 Continuing Resolution				FY 2018 Current Services			
Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)
1,332	1,032	1,294	\$219,590	1,332	1,032	1,294	\$224,578	1,185	918	1,152	\$228,864

Personnel Cost Summary

Position/Series	Full Year Modular Cost per Position (\$000)	1st Year Annualiz- ation (\$000)	Number of Positions Requested	FY 2018 Request (\$000)	2nd Year (\$000)	2nd Year FY 2019 Net Annualization (change from 2018) (\$000)	3rd Year FY 2020 Net Annualization (change from 2019) (\$000)
Criminal Investigative Series (1811)	\$274	\$219	40	\$8,755	\$7,891	-\$864	\$3,773
Total Personnel	\$274	\$219	40	\$8,755	\$7,891	-\$864	\$3,773

Total Request for this Item

Category	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)
Current Services	1,185	918	1,152	\$204,101	\$24,763	\$228,864	N/A	N/A
Increases	40	40	20	\$1,897	\$6,858	\$8,755	-\$864	\$3,773
Total	1,225	958	1,172	\$205,998	\$31,621	\$237,619	-\$864	\$3,773

Item Name: **Violent and Gun-Related Crime Reduction Task Force**
Budget Decision Unit(s): Fugitive Apprehension
Organizational Program: Fugitive Task Forces
Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$5,975,000

Description of Item

The USMS requests **\$5,975,000** to support the President’s February 9, 2017 Executive Order “Task Force on Crime Reduction and Public Safety.” The task force was created by the Attorney General on February 28, 2017. The task force includes the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Administrator of the Drug Enforcement Administration (DEA), the Director of the Federal Bureau of Investigation (FBI) and the Director of the U.S. Marshals Service (USMS). The task force is central to the Attorney General’s commitment to combatting illegal immigration and violent crime, such as drug trafficking, gang violence, and gun crimes, and to restoring public safety to all of the nation’s communities.

Justification

The Violent and Gun-Related Crime Reduction Task Force has a multi-agency focus on reducing violent and gun-related crime in particularly hard-hit urban areas by using innovative means to locate individuals, organizations and gangs within specific high crime jurisdictions. Federal law enforcement, including DEA, ATF and USMS will work with community leaders, educators, and local business owners to share information on identities, gang affiliation markers, and crime networking patterns with state and local law enforcement and members of the public. Resources will support the short-term deployment of federal law enforcement personnel to select urban areas to foster community awareness of criminal elements living, networking and thriving in their communities. Resources will also provide for convening town hall informational sessions, providing designated signage, communications, surveillance and monitoring equipment, and dedicated tip-lines and rewards in select high crime areas – and provide community and individual incentives for reporting crime to ensure violent and gun-related crime reduction is sustained long-term.

Impact on Performance

This initiative allows the USMS to more effectively reduce violent crime by prioritizing the apprehension of the most egregious violent fugitives. Additional resources will significantly improve the safety and effectiveness of arresting violent fugitives and enhance community safety.

Funding

Base Funding

FY 2016 Enacted				FY 2017 Continuing Resolution				FY 2018 Current Services			
Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)
0	0	0	\$0	0	0	0	\$0	0	0	0	\$0

Non-Personnel Increase

Non-Personnel Item	Unit Cost (\$000)	Quantity	FY 2018 Request (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)
Operational Expenses	N/A	N/A	\$5,975	\$0	\$0
Total Non-Personnel	N/A	N/A	\$5,975	\$0	\$0

Total Request for this Item

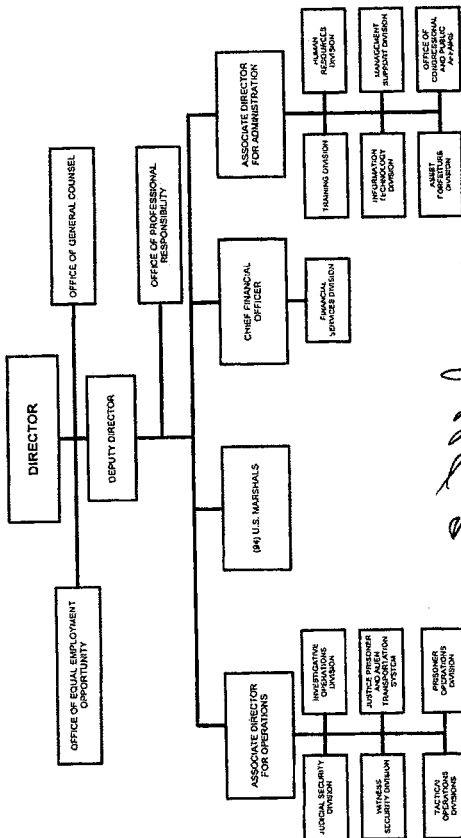
Category	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)
Current Services	0	0	0	\$0	\$0	\$0	N/A	N/A
Increases	0	0	0	\$0	\$5,975	\$5,975	\$0	\$0
Total	0	0	0	\$0	\$5,975	\$5,975	\$0	\$0


VI. Program Offsets by Item

No program offsets.

A. Organizational Chart

UNITED STATES MARSHALS SERVICE



Approved By:  Date: 4/11/14
 ERIC M. HOLDER, JR.
 ATTORNEY GENERAL

B. Summary of Requirements

Summary of Requirements
 U.S. Marshals Service
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2018 Request		
	Positions	Estimated FTE	Amount
2016 Enacted 1/	5,554	4,783	1,230,581
Total 2016 Enacted	5,554	4,783	1,230,581
2017 Continuing Resolution	5,554	4,876	1,230,581
2017 Rescission - 0.1901%	0	0	-2,339
Total 2017 Continuing Resolution	5,554	4,876	1,228,242
Base Adjustments			
Pay and Benefits	-612	-94	3,023
Domestic Rent and Facilities	0	0	-7,075
Other Adjustments	0	0	713
Foreign Expenses	0	0	367
Total Base Adjustments	-612	-94	-2,972
Total Technical and Base Adjustments	-612	-94	-2,972
2018 Current Services	4,942	4,782	1,225,270
Program Changes			
Increases:			
DUSM Life and Safety	0	0	12,000
Immigration Enforcement Initiative	40	20	8,755
Violent and Gun-Related Crime Reduction Task Force	0	0	5,975
Subtotal, Increases	40	20	26,730
Total Program Changes	40	20	26,730
2018 Total Request	4,982	4,802	1,252,000
2017 - 2018 Total Change	-572	-74	23,758

^{1/} FY 2016 FTE is actual, as updated after the MAX A-11 lock out date.

B. Summary of Requirements
Summary of Requirements
 U.S. Marshals Service
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			FY 2017 Continuing Resolution			FY 2018 Technical and Base			FY 2018 Current Services		
	Positions	Actual FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Judicial and Courthouse Security	2,222	1,914	472,738	2,222	1,880	463,366	-586	-297	-39,266	1,636	1,583	424,100
Fugitive Apprehension	1,744	1,502	416,216	1,744	1,649	421,086	220	251	48,286	1,964	1,900	469,372
Prisoner Security & Transportation	1,204	1,037	259,301	1,204	1,027	259,647	-305	-157	-32,030	899	870	227,617
Protection of Witnesses	207	178	36,734	207	146	38,647	63	115	18,224	270	261	54,871
Tactical Operations	177	152	45,592	177	174	47,486	-4	-6	-1,814	173	168	49,310
Total Direct	5,554	4,783	1,230,581	5,554	4,876	1,228,242	-612	-94	-2,972	4,942	4,782	1,225,270
Balance Rescission												
Total Direct with Rescission			1,230,581			1,228,242			-2,972			1,225,270
Reimbursable FTE		336			393			12			405	
Total Direct and Reimb. FTE		5,119			5,269			-82			5,187	
Other FTE:												
LEAP		760			760			0			760	
Overtime		63			63			0			63	
Grand Total, FTE		5,942			6,092			-82			6,010	

Program Activity	2018 Increases			2018 Offsets			2018 Request		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Judicial and Courthouse Security	14	7	4,890	0	0	0	1,650	1,590	428,890
Fugitive Apprehension	15	7	13,051	0	0	0	1,979	1,907	482,423
Prisoner Security & Transportation	7	4	2,504	0	0	0	906	874	230,121
Protection of Witnesses	2	1	668	0	0	0	272	262	55,639
Tactical Operations	2	1	5,617	0	0	0	175	169	54,927
Total Direct	40	20	26,730	0	0	0	4,982	4,802	1,252,000
Balance Rescission									
Total Direct with Rescission			26,730			0			1,252,000
Reimbursable FTE		0			0			405	
Total Direct and Reimb. FTE		20			0			5,207	
Other FTE:									
LEAP		0			0			760	
Overtime		0			0			63	
Grand Total, FTE		20			0			6,030	

C. Program Changes by Decision Unit

FY 2018 Program Increases/Offsets by Decision Unit

U.S. Marshals Service
Salaries and Expenses
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Judicial and Courthouse Security			Fugitive Apprehension			Prisoner Security & Transportation				
		Positions	Agt./Atty.	Est. FTE	Amount	Positions	Agt./Atty.	Est. FTE	Amount	Positions	Agt./Atty.	Est. FTE
DUSM Life and Safety	68	0	0	0	1,826	0	0	3,784	0	0	0	967
Immigration Enforcement Initiative	77	14	14	7	3,064	15	15	3,282	7	7	4	1,537
Violent and Gun-Related Crime Reduction Task Force	80	0	0	0	0	0	0	5,975	0	0	0	0
Total Program Increases		14	14	7	4,890	15	15	13,051	7	7	4	2,504

Program Increases	Location of Description by Program Activity	Protection of Witnesses			Tactical Operations			Total Increases				
		Positions	Agt./Atty.	Est. FTE	Amount	Positions	Agt./Atty.	Est. FTE	Amount	Positions	Agt./Atty.	Est. FTE
DUSM Life and Safety	68	0	0	0	231	0	0	5,182	0	0	0	12,000
Immigration Enforcement Initiative	77	2	2	1	437	2	2	435	40	40	20	8,755
Violent and Gun-Related Crime Reduction Task Force	80	0	0	0	0	0	0	0	0	0	0	5,975
Total Program Increases		2	2	1	668	2	2	5,617	40	40	20	26,730

E: Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

U.S. Marshals Service
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimated FTE	Amount
Pay and Benefits			
<p>1 2018 Pay Raise - 1.9% This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount request, \$10,491, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$7,589 for pay and \$2,902 for benefits.)</p>	0	0	10,491
<p>2 Annualization of 2017 Pay Raise - 2.88% This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88% included in the 2017 Appropriation. The amount requested \$4,941; represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$3,323 for pay and \$1,618 for benefits).</p>	0	0	4,941
<p>3 Attrition and/or Administrative Savings To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22. Department components will identify savings through attrition and/or administrative adjustments.</p>	-94	-94	-16,882
<p>4 Health Insurance Effective January 2018, the component's contribution to Federal employees' health insurance increases by 8.4 percent. Applied against the 2017 estimate of \$44,289, the additional amount required is \$3,702.</p>	0	0	3,702
<p>5 Position Right-sizing Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.</p>	-518	0	0
<p>6 Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$771 is necessary to meet our increased retirement obligations as a result of this conversion.</p>	0	0	771
Subtotal, Pay and Benefits			3,023
	-612	-94	

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

U.S. Marshals Service
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimated FTE	Amount
Domestic Rent and Facilities			
1 GSA Rent			
GSA charges rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$3,755 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through an automated system which uses the latest inventory data, including rate increases, to be effective FY 2018 for each building currently occupied by DOJ components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			
	0	0	3,755
2 Guard Service			
This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$548 is required to meet these commitments.			
	0	0	548
3 Moves			
GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2018.			
	0	0	5,803
4 Moves - FY 2016 Non-Recur			
GSA requires all agencies to pay relocation costs associated with lease expirations. This is the non-recurrence of move costs associated with office relocations provided in the FY 2017 President's Budget.			
	0	0	-17,181
		0	-7,075
Other Adjustments			
1 Legacy Radio O&M			
In FY 2013, the funding for the Department's Radio/Interoperability program was realigned. This change generated savings and allowed the Department to increase its investments in improved technology and interoperability. As part of the realignment, base operations and maintenance (O&M) funding for radios was transferred back to components. In order to fully fund the O&M requirements, an ATB increase of \$194 is requested for the USMS.			
	0	0	194
2 Security Investigations			
The \$519 increase reflects payments to the Office of Personnel Management for security reinvestigations for employees requiring security clearances.			
	0	0	519
		0	713
		0	713

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

U.S. Marshals Service
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimated FTE	Amount
Foreign Expenses			
1 <u>Capital Security Cost Sharing</u> Per P.L. 108-447 and subsequent acts, all agencies with personnel overseas subject to chief of mission authority shall participate and provide funding in advance for their share of costs of providing new, safe, secure U.S. diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined by the Secretary of State. Originally authorized for FY 2000-2004, the program has been extended annually by OMB and Congress and has also been expanded beyond new embassy construction to include maintenance and renovation costs of the new facilities. For the purpose of this program, State's personnel totals for DOJ include current and projected staffing. The estimated cost to the Department, as provided by State, for FY 2018 is \$145 million. The USMS currently has 15 positions overseas, and funding of \$31 is requested for this account.	0	0	-31
2 <u>Education Allowance</u> For employees stationed abroad, components are obligated to meet the educational expenses incurred by an employee in providing adequate elementary (grades K-8) and secondary (grades 9-12) education for dependent children at post. \$38 reflects the increase in cost to support existing staffing levels.	0	0	38
3 <u>Government Leased Quarters (GLQ)</u> GLQ is a program managed by the Department of State (DOS) and provides government employees stationed overseas with housing and utilities. DOS exercises authority for leases and control of the GLQs and negotiates the lease for components. \$44 reflects the change in cost to support existing staffing levels.	0	0	109
4 <u>ICASS</u> ¹⁴ The Department of State charges agencies for administrative support provided to staff based overseas. Charges are determined by a cost distribution system. The FY 2018 request is based on the projected FY 2017 bill for post invoices and other ICASS costs.	0	0	44
5 <u>Post Allowance - Cost of Living Allowance (COLA)</u> Post Allowance - Cost of Living Allowance (COLA)	0	0	172
6 <u>State Department Passport Costs</u> State Department Passport Costs	0	0	35
Subtotal, Foreign Expenses	0	0	367
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-612	-94	-2,972

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

U.S. Marshals Service
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimated FTE	Amount
ATB Reimbursable FTE Changes			
1 ATB Reimbursable FTE Adjustment	0	12	0
ATB Reimbursable FTE Adjustment			
Subtotal, ATB Reimbursable FTE Changes	0	12	0

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability

U.S. Marshals Service
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2016 Enacted		Reprogramming / Transfers		Carryover Amount	Recoveries / Refunds Amount	FY 2016 Availability				
	Positions	Actual FTE	Positions	Actual FTE			Positions	Actual FTE	Amount		
Judicial and Courthouse Security	2,222	1,914	472,738	0	0	3,856	19,434	7,842	2,222	1,914	503,870
Fugitive Apprehension	1,744	1,502	416,216	0	0	4,666	18,175	6,883	1,744	1,502	445,940
Prisoner Security & Transportation	1,204	1,037	259,301	0	0	2,106	10,617	4,284	1,204	1,037	276,308
Protection of Witnesses	207	178	36,734	0	0	299	1,509	609	207	178	39,151
Tactical Operations	177	152	45,692	0	0	357	1,799	726	177	152	48,474
Total Direct	5,554	4,783	1,230,581	0	0	11,284	51,534	20,344	5,554	4,783	1,313,743
Balance Rescission			0			0	0	0			0
Total Direct with Rescission			1,230,581			11,284	51,534	20,344			1,313,743
Reimbursable FTE		336		0						336	
Total Direct and Reimb. FTE		5,119		0						5,119	
Other FTE:											
LEAP FTE		760		0						760	
Overtime		63		0						63	
Grand Total, FTE		5,942		0						5,942	

Reprogramming/Transfers:

Transfers amounting to \$11,284,367 are comprised of actual non-expenditure unobligated balance and appropriation transfers.

Unobligated balance transfer \$10,066,085 includes:

- A transfer of \$10,000,000 to S&E No-Year (15-X-0324) from prior year S&E appropriations.

- A transfer of \$96,085 to S&E Multi-Year (15-1516-0324) from High Intensity Drug Trafficking Area (HIDTA 11-1516-1070).

Non-expenditure appropriation transfer of \$1,188,282 S&E Multi-Year (15-1617-0324) from HIDTA (11-1617-1070).

Carryover:

Unobligated balances of \$51,533,615 brought forward include \$1,128,686 from HIDTA (11-1516-1070) and \$50,404,929 from S&E No-Year (15-X-0324).

Recoveries/Refunds:

Recoveries from prior year obligations amounted to \$15,272,621. This includes \$15,268,258 from S&E No-Year (15-X-0324) to fill gaps in mission critical areas; and, \$4,363 from S&E Multi-Year (15-1516-0324) for HIDTA task force-related activities. Sources from Refunds and other collections estimated at \$5,071,207 include Service of Process Fees, Visa Rebates, Proceeds from Vehicle Sales, Purchase Refunds, and Commissions.

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
 U.S. Marshals Service
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution			Reprogramming / Transfers			Carryover			Recoveries / Refunds			FY 2017 Availability		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Amount	Amount	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Judicial and Courthouse Security	2,222	1,880	463,366	0	0	7,711	13,320	3,856	2,222	1,880	488,253				
Fugitive Apprehension	1,744	1,649	421,086	0	0	7,584	12,531	3,402	1,744	1,649	444,583				
Prisoner Security & Transportation	1,204	1,027	259,647	0	0	4,212	7,276	2,108	1,204	1,027	273,241				
Protection of Witnesses	207	146	36,647	0	0	599	1,035	299	207	146	38,580				
Tactical Operations	177	174	47,496	0	0	714	1,233	357	177	174	49,800				
Total Direct	5,554	4,876	1,228,242	0	0	20,800	35,395	10,020	5,554	4,876	1,294,457				
Balance Rescission							0	0							
Total Direct with Rescission			1,228,242			20,800	35,395	10,020			1,294,457				
Reimbursable FTE		393			0									393	
Total Direct and Reimb. FTE		5,269			0									5,269	
Other FTE:															
LEAP FTE		760			0									760	
Overtime		63			0									63	
Grand Total, FTE		6,092			0									6,092	

Reprogramming/Transfers:

Transfers amounting to \$20,799,888 are comprised of actual unobligated balance and appropriation transfers.

Unobligated balance transfers of \$20,104,500 includes:

- Transfers-in of \$104,500 from HIDTA (11-16/17-1070)
- Transfer from prior year S&E appropriation of \$20,000,000 to S&E No-Year (15-X-0324)

Non-expenditure transfer-in of appropriation \$695,388 from HIDTA (11-1718-1070).

Carryover:

Unobligated balances brought forward amounting to \$35,394,806 include \$647,788 from S&E Multi-Year (15-1516-0324) and \$34,547,018 from S&E No-Year (15-X-0324).

Recoveries/Refunds:

Estimated recoveries from prior year obligations of \$3,220,000 includes \$3,200,000 from S&E No-Year (15-X-0324), as reported in the Section 210 notification, to support information technology enhancement and replace outdated mission critical/officer safety equipment; and \$20,000 from HIDTA (11-1617-1070) for HIDTA task force-related activities. Sources from Refunds and other collections of \$6,800,000 include Service of Process Fees, Visa Rebates, Proceeds from Vehicle Sales, Purchase Refunds, and Commissions.

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources

U.S. Marshals Service
Salaries and Expenses
(Dollars in Thousands)

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Positions	Reimb. FTE	Amount	Reimb. Positions	Reimb. FTE	Amount	Reimb. Positions	Reimb. FTE	Amount	Reimb. Positions	Reimb. FTE	Amount
U.S. Courts	72	59	500	72	72	500	72	72	500	0	0	0
Asset Forfeiture Fund	254	199	0	225	225	0	225	225	0	0	0	0
Centers for Disease Control	36	34	8,182	36	36	7,800	36	36	7,800	0	0	0
Department of Defense	0	0	534	0	0	1,302	0	0	1,302	0	0	0
Department of Homeland Security	0	0	341	0	0	668	0	0	668	0	0	0
Department of Justice	4	4	1,604	3	3	2,539	3	3	2,539	0	0	0
Department of State	0	0	1,636	0	0	371	0	0	371	0	0	0
U.S. Tax Court	3	3	2,230	3	3	2,700	3	3	2,700	0	0	0
Federal Bureau of Investigation	3	2	256	3	3	2,945	3	3	2,945	0	0	0
Federal Law Enforcement Training Center	0	0	2	0	0	15	0	0	15	0	0	0
Organized Crime Drug Enforcement Task Force	39	35	8,141	40	39	11,643	40	39	11,643	0	0	0
Service of Process	0	0	0	0	0	0	0	0	0	0	0	0
U.S. Attorneys	0	0	348	0	0	515	0	0	515	0	0	0
Various Federal Sources	0	0	2,750	24	12	8,860	24	24	8,860	0	0	0
Budgetary Resources	411	336	26,524	406	393	39,858	406	405	39,858	0	12	0
Obligations by Program Activity	2016 Actual			2017 Estimate			2018 Request			Increase/Decrease		
	Reimb. Positions	Reimb. FTE	Amount	Reimb. Positions	Reimb. FTE	Amount	Reimb. Positions	Reimb. FTE	Amount	Reimb. Positions	Reimb. FTE	Amount
Judicial and Courthouse Security	77	64	4,739	101	89	13,506	101	101	13,506	0	12	0
Fugitive Apprehension	296	236	8,715	267	266	13,280	267	266	13,280	0	0	0
Prisoner Security & Transportation	0	0	2,700	0	0	896	0	0	896	0	0	0
Protection of Witnesses	1	1	318	1	1	661	1	1	661	0	0	0
Tactical Operations	37	35	10,052	37	37	11,515	37	37	11,515	0	0	0
Budgetary Resources	411	336	26,524	406	393	39,858	406	405	39,858	0	12	0

*Excludes sources from refunds and other collections such as Service of Process Fees, Visa Rebates, Proceeds from Vehicle Sales, Purchase Refunds, and Commissions. These are reported as part of the Direct funding sources.

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

U.S. Marshals Service
Salaries and Expenses
(Dollars in Thousands)

Category	FY 2016 Enacted			FY 2017 Continuing Resolution			FY 2018 Request				
	Direct Positions	Reimb. Positions	Total	Direct Positions	Reimb. Positions	Total	Program Increases	Program Offsets	Total Direct Positions	Total Reimb Positions	Total
Miscellaneous Operations (001-099)	3	0	3	0	0	0	0	0	0	0	3
Security Specialists (080)	26	25	51	26	25	51	0	0	26	25	51
Social Science, Psychology, Welfare (0100-0199)	5	0	5	5	0	5	0	0	5	0	5
Intelligence Series (132)	45	3	48	45	5	50	-2	0	43	5	48
Personnel Management (0200-0260)	43	3	46	43	3	46	0	0	43	3	46
Clerical and Office Services (0300-0399)	798	118	916	798	101	899	-55	0	743	101	844
Accounting and Budget (500-599)	136	16	152	136	14	150	19	0	155	14	169
Medical, Dental & Public Health (600-799)	3	1	4	3	1	4	-3	0	0	1	1
Engineering and Architecture Group (800-899)	3	0	3	2	2	4	0	0	2	2	4
Architects	3	0	3	3	0	3	-1	0	2	0	2
Attorneys (905)	22	3	25	22	3	25	0	0	22	3	25
Paralegal Specialist (0950)	1	0	1	1	0	1	0	0	1	0	1
Information & Arts (1000-1099)	12	0	12	12	0	12	-4	0	8	0	8
Business & Industry (1100-1199)	97	84	181	97	74	171	-32	0	65	74	139
Mathematics and Statistics Group	3	0	3	3	0	3	1	0	4	0	4
Equipment/Facilities Services (1600-1699)	4	0	4	4	0	4	-2	0	2	0	2
Misc. Inspectors/Investigative Assistants (1802)	114	0	114	114	0	114	-39	0	75	0	75
Criminal Investigative Series (1811)	4,134	153	4,287	4,134	175	4,309	-466	40	3,708	175	3,883
Transportation (2100-2199)	6	0	6	6	0	6	-1	0	5	0	5
Information Technology Mgmt (2210-2299)	97	3	100	97	3	100	-27	0	70	3	73
Total	5,554	411	5,965	5,554	406	5,960	-612	40	4,992	406	5,398
Headquarters Washington D.C.	721	157	878	721	168	889	-611	0	110	168	278
US Fields	4,816	251	5,067	4,816	235	5,051	-1	40	4,855	235	5,090
Foreign Field	17	3	20	17	3	20	0	0	17	3	20
Total	5,554	411	5,965	5,554	406	5,960	-612	40	4,992	406	5,398

J. Financial Analysis of Program Changes
 U.S. Marshals Service
 Salaries and Expenses
 (Dollars in thousands)

Grades	Judicial and Courtroom Security		Fugitive Apprehension		Prisoner Security & Transportation	
	Program Increases Positions	Program Decreases Amount	Program Increases Positions	Program Decreases Amount	Program Increases Positions	Program Decreases Amount
GS-7	14	1,328	0	15	1,422	0
Lapse (-)	-7	-912	0	-8	-1,041	0
Total Positions and Annual Amount	7	416	0	7	381	0
11.5 - Other personnel compensation						
Total FTEs and Personnel Compensation	7	416	0	7	381	0
12.1 - Civilian personnel benefits						
21.0 - Travel and transportation of persons						
22.0 - Transportation of things						
23.2 - Rental payments to others						
23.3 - Communications, utilities, and miscellaneous charges						
25.1 - Advisory and assistance services						
25.2 - Other services from non-federal sources						
25.6 - Medical care						
26.0 - Supplies and materials						
31.0 - Equipment						
Total Program Change Requests	7	4,890	0	7	13,061	0

Grades	Protection of Witnesses		Tactical Operations		Total Program Changes	
	Program Increases Positions	Program Decreases Amount	Program Increases Positions	Program Decreases Amount	Program Increases Positions	Program Decreases Amount
GS-7	2	190	0	2	190	0
Lapse (-)	-1	-139	0	-1	-139	0
Total Positions and Annual Amount	1	59	0	1	51	0
11.5 - Other personnel compensation						
Total FTEs and Personnel Compensation	1	59	0	1	51	0
12.1 - Civilian personnel benefits						
21.0 - Travel and transportation of persons						
22.0 - Transportation of things						
23.2 - Rental payments to others						
23.3 - Communications, utilities, and miscellaneous charges						
25.1 - Advisory and assistance services						
25.2 - Other services from non-federal sources						
25.6 - Medical care						
26.0 - Supplies and materials						
31.0 - Equipment						
Total Program Change Requests	1	598	0	1	5,617	0

Summary of Requirements by Object Class
 U.S. Marshals Service
 Salaries and Expenses
 (dollars in thousands)

n. Summary of Requirements by Object Class

Object Class	FY 2016 Actual		FY 2017 Continuing		FY 2018 Request		Increase / Decrease	
	Actual FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	4,777	422,230	4,871	427,215	4,797	436,760	-74	9,575
11.3 - Other than full-time permanent	6	13,473	5	13,632	5	13,805	0	273
11.5 - Other personnel compensation	823	82,760	823	88,007	823	89,808	0	1,801
Overtime	63	5,801	63	6,231	63	6,231	0	0
Other Compensation	760	76,959	760	81,776	760	83,577	0	1,801
11.8 - Special personal services payments	0	5,332	0	5,332	0	5,332	0	0
Total	5,606	523,795	5,699	534,186	5,625	545,835	-74	11,649
Other Object Classes								
12.1 - Civilian personnel benefits		249,340		254,704		265,136	0	10,434
13.0 - Benefits for former personnel		94		94		94	0	0
21.0 - Travel and transportation of persons		24,700		22,935		17,736	0	-5,199
22.0 - Transportation of things		1,037		1,036		1,039	0	3
23.1 - Rental payments to GSA		188,414		202,209		205,964	0	3,755
23.2 - Rental payments to others		11,418		11,413		11,462	0	68
23.3 - Communications, utilities, and miscellaneous charges		21,975		20,952		20,691	0	109
24.0 - Printing and reproduction		378		314		314	0	0
25.1 - Advisory and assistance services		19,500		18,844		19,566	0	742
25.2 - Other services from non-federal sources		25,471		20,896		22,429	0	1,533
25.3 - Other goods and services from federal sources		82,305		56,370		64,734	0	6,364
25.4 - Operation and maintenance of facilities		8,993		9,169		9,169	0	0
25.6 - Medical care		33		33		45	0	12
25.7 - Operation and maintenance of equipment		25,499		22,621		22,815	0	194
25.8 - Subsistence and support of persons		914		914		914	0	0
28.0 - Supplies and materials		17,860		16,861		14,832	0	-2,029
31.0 - Equipment		94,691		31,583		27,705	0	-3,878
32.0 - Land and structures		515		515		515	0	0
42.0 - Insurance claims and indemnities		994		993		993	0	0
Total Obligations		1,267,846		1,228,242		1,252,000	0	23,758
Net of:								
Unobligated Balance, Start-of-Year		-51,534		-35,395		-66,215	0	-30,820
Transfers/Reprogramming		-11,284		-20,800		0	0	20,800
Recoveries/ReLunds		-20,344		-10,020		0	0	10,020
Balance Recission		0		0		0	0	0
Unobligated End-of-Year, Available		35,395		66,215		66,215	0	0
Unobligated End-of-Year, Expiring		10,402		0		0	0	0
Total Direct Requirements		1,230,681		1,228,242		1,252,000		23,758
Reimbursable FTE	338		369		405		12	0
Full-Time Permanent								

Status of Congressionally Requested Studies, Reports, and Evaluations

U.S. Marshals Service
Salaries and Expenses

1. The Senate Report associated with the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, 2017, Title II, page 81 states that in addition to receiving direct appropriations, the Committee is aware that USMS also receives funding from the Department's Assets Forfeiture Fund [AFF] to augment salaries and expenses that are intended to directly administer AFF-related activities like the management and sale of forfeited assets. In an effort to increase transparency to USMS's use of AFF funding, the Department is directed to provide the Committee with quarterly reports that include: a detailed list of USMS's AFF expenditures; the number of Federal employees and contractor staff, including the assigned division for each, for any personnel expenses using AFF funds; and justifications for each expenditure, including connections with AFF-related operations.
2. The Senate Report associated with the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, 2017, Title II, page 31, states that the Committee is concerned with the use of body armor in criminal activity, and directs the Department to conduct a review of such usage in criminal activity, and available data on such crimes. The Department shall report to the Committee not later than 180 days after the enactment of this Act on the results.

B. Summary of Requirements

Summary of Requirements
 U.S. Marshals Service
 Construction
 (Dollars in Thousands)

	FY 2018 Request		
	Positions	FTE	Amount
2016 Enacted	0	0	15,000
Total 2016 Enacted	0	0	15,000
2017 Continuing Resolution	0	0	15,000
2017 Rescission - 0.1901%	0	0	-29
Total 2017 Continuing Resolution	0	0	14,971
Base Adjustments			
2018 Current Services	0	0	14,971
2018 Total Request	0	0	14,971
2017 - 2018 Total Change	0	0	0

B. Summary of Requirements

Summary of Requirements
 U.S. Marshals Service
 Construction
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Technical and Base Adjustments		FY 2018 Current Services	
	Positions	Actual FTE	Positions	Est. FTE	Positions	Est. FTE	Positions	Est. FTE
USMS Construction	0	0	15,000	0	14,971	0	0	14,971
Total Direct	0	0	15,000	0	14,971	0	0	14,971
Balance Rescission			0		0			0
Total Direct with Rescission			15,000		14,971			14,971
Reimbursable FTE			0		0			0
Total Direct and Reimb. FTE								
Other FTE:								
LEAP			0		0			0
Overtime			0		0			0
Grand Total, FTE			0		0			0

Program Activity	2018 Increases		2018 Offsets		2018 Request	
	Positions	Est. FTE	Positions	Est. FTE	Positions	Est. FTE
USMS Construction	0	0	0	0	0	14,971
Total Direct	0	0	0	0	0	14,971
Balance Rescission						0
Total Direct with Rescission						14,971
Reimbursable FTE						0
Total Direct and Reimb. FTE						0
Other FTE:						
LEAP						0
Overtime						0
Grand Total, FTE						0

Crosswalk of 2016 Availability

U.S. Marshals Service
Construction
(Dollars in Thousands)

Program Activity	FY 2016 Enacted		Reprogramming / Transfers			Carryover		Recoveries / Refunds		FY 2016 Availability	
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Positions	Actual FTE	Amount
USMS Construction	0	0	15,000	0	0	0	1,108	818	0	0	16,926
Total Direct	0	0	15,000	0	0	0	1,108	818	0	0	16,926
Balance Rescission			0			0	0	0			0
Total Direct with Rescission			15,000			0	1,108	818			16,926
Reimbursable FTE											
Total Direct and Reimb. FTE											
Other FTE:											
LEAP FTE											
Overtime											
Grand Total, FTE											

Carryover:

Unobligated Balances of \$1,108,527 that were carried over from FY 2016 include \$1,107,959 from Construction No-Year (15-X-0133) and \$569 from Construction Multi-Year (15-1011-0133) for courthouse renovation and related costs.

Recoveries/Refunds:

Recoveries from Prior Year obligations of \$817,720 is from Construction No-Year (15-X-0133) for construction purposes, consistent with the manner in which funding was originally appropriated.

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
 U.S. Marshals Service
 Construction
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution		Reprogramming / Transfers		Carryover		Recoveries / Refunds		FY 2017 Availability		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Amount	Amount	Positions	Est. FTE	Amount
USMS Construction	0	0	14,971	0	0	0	569	2,000	0	0	17,540
Total Direct	0	0	14,971	0	0	0	569	2,000	0	0	17,540
Balance Rescission			0			0	0	0			0
Total Direct with Rescission			14,971			0	569	2,000			17,540
Reimbursable FTE			0			0					0
Total Direct and Reimb. FTE			0			0					0
Other FTE:											
LEAP FTE											0
Overtime											0
Grand Total, FTE			0			0					0

Carryover:

Unobligated Balances of \$569,438 that were carried over from FY 2015 Construction No-Year (15-X-0133) for courthouse renovation and related costs.

Recoveries/Refunds:

As reported in the 2017 Section 210 Notification, recoveries from Prior Year obligations amounting to \$2,000,000 from Construction No-Year (15-X-0133). The USMS will use these funds for construction in space controlled, occupied, or utilized by the USMS for prisoner holding and related support, including project management costs to efficiently and effectively execute these projects. This use of funds is consistent with the manner in which funding was originally appropriated.

K. Summary of Requirements by Object Class
Summary of Requirements by Object Class
 U.S. Marshals Service
 Construction
 (Dollars in Thousands)

Object Class	FY 2016 Actual		FY 2017 Continuing Resolution		FY 2018 Request		Increase / Decrease	
	Actual FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	0	0	0	0	0	0	0	0
11.3 - Other than full-time permanent	0	0	0	0	0	0	0	0
11.5 - Other personnel compensation	0	0	0	0	0	0	0	0
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0
Other Object Classes								
21.0 - Travel and transportation of persons		144		0		0		0
22.0 - Transportation of things		1		0		0		0
25.1 - Advisory and assistance services		90		0		0		0
25.3 - Other goods and services from federal sources		9		0		0		0
25.4 - Operation and maintenance of facilities		3,065		3,000		3,000		0
26.0 - Supplies and materials		41		0		0		0
31.0 - Equipment		5,846		5,971		5,971		0
32.0 - Land and structures		7,161		6,000		6,000		0
Total Obligations		16,357		14,971		14,971		0
Net of:								
Unobligated Balance, Start-of-Year		-1,108		-569		-2,569		-2,000
Transfers/Reprogramming		0		0		0		0
Recoveries/Refunds		-818		-2,000		-2,000		2,000
Balance Rescission		0		0		0		0
Unobligated End-of-Year, Available		569		2,569		2,569		0
Unobligated End-of-Year, Expiring		0		0		0		0
Total Direct Requirements		15,000		14,971		14,971		0
Reimbursable FTE	0		0		0		0	0
Full-Time Permanent								

**United States Marshals Service
FY 2018 Performance Budget
President's Budget**

**Justice Prisoner and Alien Transportation System
Revolving Fund**



May 2017

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I. Overview

The Justice Prisoner and Alien Transportation System (JPATS) mission is to coordinate and transport prisoners and detainees safely, securely, and humanely in a timely and economical manner. JPATS is a revolving fund with total operating costs reimbursed by customer agencies. JPATS coordinates the movement of federal prisoners and detainees in the custody of the U.S. Marshals Service (USMS) and the Bureau of Prisons (BOP), including pretrial, sentenced, and criminal aliens. JPATS also transports Department of Defense and state and local prisoners on a reimbursable, space-available basis.

Using its customers' projected prisoner movement requirements, JPATS projects total costs associated with air transportation. JPATS uses OMB Circular A-126 guidelines to identify fixed and variable air transportation cost categories, and applies activity-based costing to develop flying hour rates. JPATS bills its customers based on the number of flight hours and the number of seats the customers use to move their prisoners/detainees.

As a revolving fund, JPATS operates with numerous benefits, including but not limited to:

- the no-year account provides a consistent funding stream from customer agencies;
- operation under the concept of full-cost recovery;
- multi-year funding/leasing authority for capital acquisitions; and
authority to retain proceeds from disposal of aircraft, support equipment, and parts.

The JPATS revolving fund creates cost stability for customer agencies, because the fund can absorb cost fluctuations for operating expenses such as fuel and aircraft maintenance on a short-term basis. It also simplifies the task of replacing aircraft and obtaining major aircraft parts by enabling JPATS to extend the cost of equipment purchases or equipment leases over several years, and to plan the procurement of equipment or equipment lease agreements when needed.

JPATS is committed to ensuring each scheduled mission is properly staffed with a well-trained crew of professionals. Each mission includes qualified flight personnel to safely operate the aircraft. Experienced law enforcement and security officers ensure crew safety and the safe, secure transfer of prisoners. At least one certified medical specialist validates required screenings and medical records to ensure all prisoners are medically stable and fit to fly.

A. Budget Assumptions

JPATS continually seeks opportunities to improve transportation service quality, optimize the transportation network, and produce efficiencies for the customer. Key assumptions for this budget formulation include:

- The 737-400 aircraft maintenance increase is based on current year actual expenses.
- The price per gallon of jet fuel continues to fluctuate due to the changing market.
- The three acquired 737-400 aircraft ensure a higher availability rate for missions and a significant savings to the customers.

B. Efficiencies and Savings

JPATS continually examines its operational areas to provide consistent, quality services while seeking to increase efficiencies and generate savings for the customer agencies.

JPATS Efficiencies:

JPATS continues to lead optimization efforts to improve performance in the delivery of services and gain efficiencies in both time and cost. Central to JPATS' program initiatives is the data and analysis made possible through the JPATS' Management Information System (JMIS). More accurate and timely data is now available to help management analyze program areas. Working both internally and externally across its customer base, JPATS is using performance data to identify potential problems, create viable solutions, and drive program improvement. JPATS measures and monitors weekly and monthly performance and reports quarterly performance to its customers and the JPATS Executive Committee (JEC).

JPATS Savings:

JPATS projected that acquisition of two 737 aircraft would save approximately \$6,000,000 per year compared to continued leasing of two MD-80 aircraft. Since purchasing the aircraft in FY 2013, actual savings have exceeded this estimate. Combined ownership costs incurred, including maintenance, depreciation, capital investment, and replacement leases for extended maintenance, were less than the cost of the long-term aircraft lease.

A subsequent business case analysis indicated that a third "contingency" large aircraft would be more economical over time. Therefore, with approval from the JEC, JPATS purchased a third 737 in FY 2016. The lease-to-purchase contract was supported by the General Services Administration (GSA) Capital Asset Planning (CAP) tool in the Federal Aviation Interactive Reporting System (FAIRS). JPATS conducted an extensive aircraft acceptance process prior to the purchase. After flying missions for approximately a year and completing a scheduled heavy maintenance check, JPATS purchased the aircraft using the JPATS working capital fund carryover account. The purchase is projected to save the program \$16,800,000 over five years. In addition to cost savings, owned and operated aircraft provide greater operational flexibility and in the case of the large aircraft the operational profile is less of a security risk.

In FY 2015, JPATS sold its Hawker aircraft after securing a more cost-effective small aircraft lease alternative. The lease for the small aircraft mission is approximately a 30% savings to JPATS customers. This operational change resulted in a reduction of \$3,400 per flight hour in FY 2016, a decrease of \$427 per flight hour in FY 2017, and in FY 2018 a decrease of \$513 per flight hour.

JPATS renewed for the fourteenth year its Universal Service Agreement with the Federal Aviation Administration (FAA) for aircraft maintenance. The FAA continues to provide service for all JPATS-owned aircraft, thus achieving the best value for the government.

C. Budget Summary

JPATS Revolving Fund program estimates for Obligation Authority (OA) and Personnel Data are based upon customers' projected requirements and estimated carry forward authority.

Financial Operations, FY 2016 – 2018 (\$ in thousands)

		FY 2016	FY 2017	FY 2018
		Actual	Estimate	Estimate
<u>Authority</u>	Operating	54,837	53,211	54,678
	Less Depreciation	(1,655)	(1,646)	(2,396)
	Operating Authority	53,182	51,565	52,282
	Carry Forward Authority*	20,186	23,832	20,186
	Total Authority	73,368	75,397	72,468
<u>Staffing</u>	Civilian Positions	123	123	123
	Civilian End Strength	96	108	110
	Personal Contract Guards	109	90	90
	Average GS Salary	\$88,056	\$90,110	\$90,247
	Average SES Salary	\$179,043	\$186,614	\$181,376

* From SF-133, "Report on Budget Execution and Budgetary Resources," dated September 30, 2016.

D. Revenues and Expenses

Accumulated Operation Results (AOR) for FY 2016 and anticipated AOR for FY 2017 and FY 2018 are shown below. The Revenue and Expenses chart on page 14 provides corollary details.

Revenues and Expenses, FY 2016 – 2018 (\$ in thousands)

	FY 2016	FY 2017	FY 2018
Revenue	46,270	53,211	54,678
Cost Of Operations (includes depreciation)	(44,039)	(53,211)	(54,678)
Operating Results	2,231	0	0
Non-Operating Adjustment - Other	2,676	0	0
Net Operating Results (NOR)	4,907	0	0
Prior Year AOR	(930)	3,977	3,977
AOR Adjustments	0	0	0
Net Accumulated Operating Results (AOR)	3,977	3,977	3,977

II. JPATS Performance Challenges

A. Transporting Prisoners in a Safe, Timely, and Economical Manner

Challenge: JPATS must continue to successfully transport prisoners safely, timely, and economically within limited resources to provide the best value to its customers. JPATS must look for innovative solutions to create greater efficiency and sustain optimum program performance within the current transportation infrastructure.

1. Conduct Safe, Secure, Humane Prisoner Transport

Strategy: Improve the quality and timeliness of intelligence to reduce potential threats.

JPATS continues to build its capability to produce quality and timely intelligence on prisoners and operational sites necessary to maintain safe and secure missions. JPATS created an Intelligence Research Specialist program that ties into intelligence assets across the USMS and BOP to develop and share prisoner attributes and threat information relevant to prisoner operations and transportation. JPATS continues to increase the capture of prisoner attribute data in JMIS and developed daily intelligence products for its crews to access through mobile devices.

In concert with its customers (USMS and BOP), JPATS is developing a proof-of-concept system to allow USMS and BOP to compile documents required for prisoner movement in electronic form. Prisoner transfer requires the exchange of specific movement documents. The current paper prisoner movement packet for both parties consists of a movement order, prisoner profile with security information and a photo, a medical form with tuberculosis (TB) clearance, and additional documents as required by each agency. The new system, referred to as the Movement Package project (MPAC), will facilitate the transfer of prisoners from one transport officer or facility to another with a web-based application using responsive design, and demonstrate the feasibility of providing transport staff the ability to view these documents on a desktop, laptop or mobile device. The prototype and eventual production system will be hosted in BOP's Amazon GovCloud environment.

Strategy: Ensure safe and reliable aviation operations while minimizing risk.

JPATS continues to leverage new aviation technologies to minimize safety and operational effectiveness risks. JPATS is currently implementing a comprehensive Aviation Safety Management System (SMS) that defines and documents JPATS operations and aligns them with the U.S. General Services Administration's (GSA) Interagency Committee on Aviation Policy (ICAP) and the International Standards-Business Aviation Organization (IS-BAO) best practices. In addition, JPATS will continue to transform aviation support functions and train its personnel for optimal aviation operations as well as attain IS-BAO Certification. Finally, JPATS is exploring new technologies to add predictive analysis tools to its SMS allowing JPATS to foresee and mitigate significant risks of future incidents or accidents.

2. Transport Prisoners in a Timely Manner

Strategy: Reduce scheduling process time and movement request backlog.

JPATS continues to optimize the JMIS Assisted Routing and Scheduling System (JARS), which plans the trips and routes of routine prisoner transportation through information technology processes. JARS schedules nearly 77% of JPATS prisoner movement requests, 87% of which are completed as scheduled, allowing transportation specialists to focus on high priority and more complex prisoner transportation schedules. JPATS continuously monitors and assesses movement request timelines to ensure maximum delivery with minimal backlog. The greatest percentage of backlogged prisoners results from designated prisoners being delayed in transit due to lack of bed space at their final BOP destination. JPATS is partnering with the BOP to leverage facility bed space data and integrate with JMIS movement request destination data to achieve greater efficiencies and reduce timelines for prisoner scheduling to final destination.

3. Transport Prisoners in an Economical Manner

Strategy: Use the most economic bed space before and during transit.

JPATS continues to develop methods and procedures to move prisoners waiting movement out of high-cost paid jail beds to lower-cost beds during the pre-transit status. Likewise, JPATS continues to house prisoners-in-transit in the most economical jail beds available while at the same time reducing to the greatest extent possible the number of days a prisoner is in both pre- and in-transit status.

III. Performance Tables

PERFORMANCE AND RESOURCES TABLE										
Decision Unit: Justice Prisoner and Alien Transportation System										
RESOURCES	Target		Actual		Projected		Changes		Requested (Total)	
	FY 2016	FY 2016	FY 2016	FY 2016	FY 2017	FY 2017	Current Services Adjustments and FY 2018 Program Changes	FY 2018 Request	FY 2018 Request	FY 2018 Request
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Total Costs and FTE (\$ in thousands)	107	\$52,916	96	\$42,384	108	\$51,565	2	\$717	110	\$52,282
TYPE	FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
Program Activity	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Prisoner Movement	107	\$52,916	96	\$42,384	108	\$51,565	2	\$717	110	\$52,282
Performance Measure: Workload	119,629		106,297		115,000		(1,000)		114,000	
Performance Measure: Outcome	\$1,300		\$1,130		\$1,300		\$0		\$1,300	

Definition of Terms or Explanations for Indicators.

Workload: JPATS receives requests to move prisoners and determines the appropriate mode of transportation (i.e., ground and/or air movement). JPATS uses the JPATS Transportation module within the JMIS to schedule and track movements electronically.

Total Workload: Includes the number of ground, as well as air transportation requests. This gives a broad view of actions needed to facilitate prisoner movements.

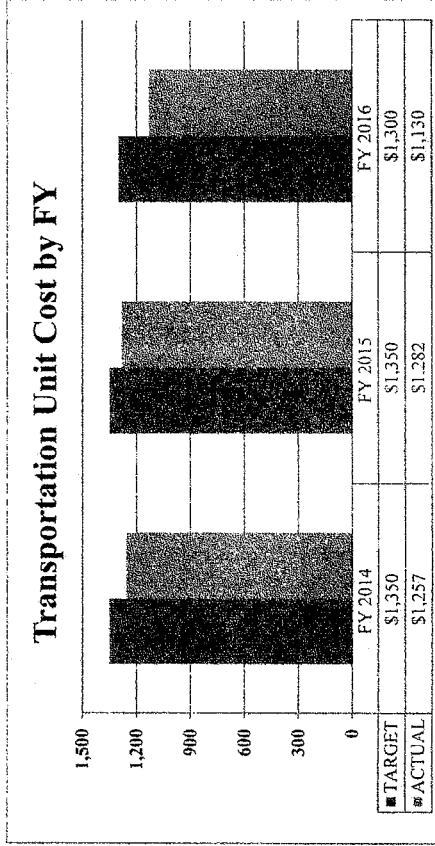
Performance Measure:

1. Transportation Unit Cost.

- a. **Data Definition:** The total average cost per prisoner (transportation coordinated by JPATS) incurred from the prisoner's point of origin to final destination. Component costs include the cost of transporting the prisoner (by air, bus, van, and car) and the cost of housing the prisoner while in-transit.
 - b. **Data Collection and Storage:** Data describing prisoner transportation and the costs associated with transportation and housing is maintained in several databases. The USMS JMIS data system maintains information tracking prisoner movements such as the points of origin and final destination, how the prisoner was moved, and where the prisoner was housed, as applicable, while in-transit. JMIS also maintains information describing the cost of air movements in the JPATS Billing Module and JPATS-coordinated ground transportation. Ground transportation is derived using the mileage between two locations and the cost per mile for the ground vehicle type. The USMS Justice Detainee Information System (JDIS), and the eIGA system, and other records managed by Federal Prisoner Detention (FPD), provide per diem costs for in-transit housing. Data is maintained on each prisoner transported by JPATS. Data from the various systems is aggregated together by JMIS in a cost metric datamart to determine the prisoner-specific total transportation costs.
 - c. **Data Validation and Verification:** JPATS validates the flight hours and movement data for completeness and to ensure that the data provided is within historical parameters.
 - d. **Data Limitations:** Maintaining prisoner transportation data is a labor-intensive process. At times the reliability of the component data may be compromised by invalid data entry and invalid data requests. Additionally, data describing the cost of BOP and USMS sponsored transportation is based on standardized formulae for calculating the cost of operating their buses, vans, and cars.
- 2. Factors Affecting FY 2017 and FY 2018 Plans.** The USMS and JPATS' strategic plans encompass efforts to optimize the transportation network. The performance metric captures the entire prisoner cost of transportation, including in-transit housing. Given finite resources and uncontrollable fuel prices, the USMS seeks innovative solutions to create greater efficiency within the current infrastructure. The interdependence of transportation and housing precludes addressing one without the other. The Transportation Unit Cost measure shows the cost effectiveness of strategies to reduce total transportation time, strategies to optimize routing (since there are normally several legs to each trip), strategies to maximize seat utilization, and strategies to utilize the most cost effective housing available.

PERFORMANCE MEASURE TABLE							
Decision Unit: Justice Prisoner and Alien Transportation System							
Performance Report and Performance Plan Targets							
Performance Measure: Workload	FY 2014		FY 2015		FY 2016		FY 2018
	Actual	Target	Actual	Target	Actual	Target	Target
1. Number of requests for air and ground transportation of prisoners.	117,255	111,540	119,629	106,297	115,000	114,000	114,000
Performance Measure: Output	\$1,257	\$1,282	\$1,300	\$1,130	\$1,300	\$1,300	\$1,300

Transportation Unit Cost: The FY 2018 target remains at \$1,300 per rate-based prisoner. Historical Transportation Unit Cost is depicted in the graph below.



Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes.

The JPATS strategic plan requires partnering with the USMS and BOP to maintain financial and operational responsibilities for transporting prisoners, conduct effective daily operations, and promote problem resolution and process improvement at the national level. JPATS leverages its current systems, participates with the USMS in implementing Capture, and partners with the BOP to integrate and advance data sharing solutions focused on providing more efficient operations and reporting capabilities across agencies.

b. Strategies to Accomplish Outcomes.

JPATS is using automation to reduce or eliminate paper-based processes and create dynamic scheduling that is responsive to facility capacity constraints.

JPATS will create a program to support transportation services through mobile technology. The use of mobile devices will serve to expedite operations, improve data collection and reporting, and reduce risk. Risk reduction examples include the provision of electronic prisoner manifests with prisoner photos and key information to aviation enforcement officers, real-time weather updates and airport information to JPATS dispatchers and pilots, and in-flight prisoner medical information to mission paramedics for communication to medical practitioners during immediate care.

To achieve its mission of safe, secure, and economical prisoner transportation, JPATS must ensure effective law enforcement and officer safety while managing cost, infrastructure investment, and personnel resource constraints. JPATS is assessing staffing requirements and pursuing employee scheduling alternatives to ensure personnel with special skills are available when needed. JPATS is developing specialized aviation law enforcement training to enhance officer safety and standardization for both employees and contractors.

IV. JPATS Operating Budget

Chart 1: Operating Cost Changes

Changes in the Cost of Operations, FY 2016 – 2018
(\$ in thousands)

FY 2016 Actual Cost*	\$44,039	FY 2017 Estimate*	\$53,211
Pricing Adjustments:		Pricing Adjustments:	
Aircraft Fuel	5,231	Aircraft Fuel	(1,124)
Aircraft Leases	1,862	Aircraft Leases	(4,023)
Civilian Labor	1,616	Civilian Labor	617
Contract Crews	280	Contract Crews	(130)
Security Guards	(529)	Aircraft Maintenance	4,925
Aircraft Ground Support	137	Aircraft Depreciation	762
Mission Travel	343	Interagency Contracts	251
Other	232	Other	189
Subtotal	<u>9,172</u>	Subtotal	<u>1,467</u>
FY 2017 Estimate	\$53,211	FY 2018 Estimate	\$54,678

* Actual cost of operations including depreciation.

Chart 2: Sources of New Orders/Revenue

Sources of New Orders and Revenue, FY 2016 – 2018
(\$ in thousands)

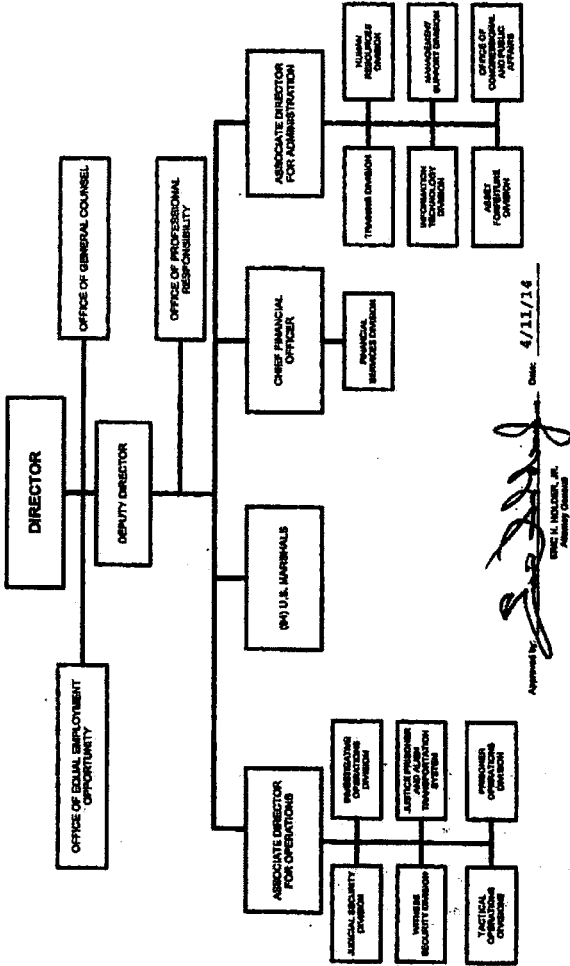
New Orders	FY 2016*	FY 2017	FY 2018
a. Operating Orders From Customers			
USMS	\$27,842	\$33,920	\$34,423
BOP	17,877	19,291	20,255
Other	551	0	0
b. Non-Operating Orders From Customers			
USMS	1,872		
BOP	804		
Total Orders From Customers	\$48,946	\$53,211	\$54,678

Chart 3: Revenues and Expenses

Revenues and Expenses, FY 2016 – 2018			
(\$ in thousands)			
	FY 2016	FY 2017	FY 2018
	(Actual)	(Estimate)	(Estimate)
Revenue			
Operations	46,270	53,211	54,678
Other Income			
Total Revenue	46,270	53,211	54,678
Expenses			
<i>Aircraft Operating Expenses</i>			
Aircraft Fuel	6,997	12,228	11,104
Aircraft Maintenance	8,224	8,221	13,146
Aircraft Leases	4,913	6,775	2,752
<i>Aircraft Operating Expenses Total</i>	20,134	27,224	27,002
<i>Labor Related Expenses</i>			
Civilian Labor	12,783	14,075	14,692
Employee Training	245	569	626
Guards, Contract Services	3,821	3,292	3,379
<i>Labor Related Expenses Total</i>	16,849	17,936	18,697
<i>Mission Support Expenses</i>			
Contract Crew	105	385	255
Aircraft Ground Spt Expenses	160	297	323
Navigation Data, Tech Periodicals	142	204	160
Medical/PHS Expenses	186	78	177
Mission Travel	352	695	661
<i>Mission Support Expenses Total</i>	945	1,659	1,576
<i>Non-Mission Support Expenses</i>			
Facilities Expenses	1,578	1,690	1,545
Admin & Support Expenses	1,606	2,151	2,412
Non-Cap Equip Purchases/Rental	374	193	271
Non-Mission Travel	262	474	583
Other Expenses	636	238	196
<i>Non-Mission Support Expenses Total</i>	4,456	4,746	5,007
Total Expenses	42,384	51,565	52,282
Operating Results	3,886	1,646	2,396
Depreciation	-1,655	-1,646	-2,396
Net Operating Results	2,231	0	0
Non-Operating Revenue	2,676	0	0
Prior Year Accumulated Operating Results	-930	3,977	3,977
Accumulated Operating Result Adjustments	0	0	0
Net Accumulated Operating Results	3,977	3,977	3,977

A. Organizational Chart

UNITED STATES MARSHALS SERVICE



Approved by:  Date: 4/11/16
 ERIC H. HOLCOMB, JR.
 Deputy Director

B. Summary of Requirements

Summary of Requirements
 Justice Prisoner and Alien Transportation System
 Revolving Fund
 (Dollars in Thousands)

	FY 2018 Request		
	Positions	FTE	Amount
2016 Operating Level 1/	123	96	53,182
2017 Operating Level	123	108	51,565
2018 Changes to Operating Level	0	2	717
2018 Total Request	123	110	52,282
2017 - 2018 Total Change	0	2	717

^{1/} FY 2016 FTE is actual

B. Summary of Requirements

Summary of Requirements
 Justice Prisoner and Alien Transportation System
 Revolving Fund
 (Dollars in Thousands)

Program Activity	2016 Operating Level		2017 Operating Level		2018 Changes to Operating Level			2018 Operating Level				
	Direct Positions	Actual FTE	Amount	Direct Positions	Estimated FTE	Amount	Direct Positions	Estimated FTE	Amount	Direct Positions	Estimated FTE	Amount
Justice Prisoner and Alien Transportation System	123	96	53,182	123	108	51,565	0	2	717	123	110	52,282
Total	123	96	53,182	123	108	51,565	0	2	717	123	110	52,282

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability
 Justice Prisoner and Alien Transportation System
 Revolving Fund
 (Dollars in Thousands)

Program Activity	2016 Initial Availability			Reprogramming / Transfers			Carryover		Recoveries / Refunds			2016 Actual	
	Direct Positions	Actual FTE	Amount	Direct Positions	Estimated FTE	Amount	Amount	Amount	Amount	Direct Positions	Actual FTE	Amount	Amount
Justice Prisoner and Alien Transportation System	123	96	48,523	0	0	64	24,626	155	123	96	73,368		
Total		96	48,523	0	0	64	24,626	155	123	96	73,368		

Carryover:
 Includes the mandatory CORPUS balance and carryover reimbursable obligation authority.

Recoveries/Refunds:
 JPATS is a revolving fund and prior year recoveries are reappportioned and used in current year operations.
Total of 2016 Estimate Sources: SF-133 dated 08/30/2016 line 1910

5. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
 Justice Prisoner and Alien Transportation System
 Revolving Fund
 (Dollars in Thousands)

Program Activity	2017 Initial Availability			Reprogramming / Transfers			Carryover		Recoveries / Refunds		2017 Availability	
	Direct Positions	Estimated FTE	Amount	Direct Positions	Estimated FTE	Amount	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount
	Justice Prisoner and Alien Transportation System	123	108	54,661	0	0	0	0	20,186	550	123	108
Total		108	54,661	0	0	0	0	20,186	550	123	108	75,397

Carryover:
 Includes the mandatory CORPUS balance and carryover reimbursable obligation authority.

Recoveries/Refunds:
 JPATS is a revolving fund and prior year recoveries are reappportioned and used in current year operations.

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources
 Justice Prisoner and Alien Transportation System
 Revolving Fund
 (Dollars in Thousands)

	2016 Operating Level			2017 Operating Level			2018 Operating Level			Increase / Decrease		
	Positions	FTE	Amount	Positions	FTE	Amount	Positions	FTE	Amount	Positions	FTE	Amount
Collections by Source												
United States Marshals Service	0	0	25,714	0	0	33,920	0	0	34,423	0	0	503
Bureau of Prisons	0	0	16,681	0	0	19,291	0	0	20,255	0	0	964
State, Local, Dept of Defense, and Misc.			551									
Total Collections by Source	123	96	48,946	123	108	53,211	123	110	54,678	0	2	1,487
Obligations by Program Activity												
Justice Prisoner and Alien Transportation System	123	96	53,182	123	108	51,565	123	110	52,262	0	2	717
Budgetary Resources	123	96	53,182	123	108	51,565	123	110	52,282	0	2	717

The amounts for collections are inclusive of expenses for depreciation which are collected from the customer. The operating authority does not include amounts for depreciation as it does not require budgetary authority.

1. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
 Justice Prisoner and Alien Transportation System
 Revolving Fund
 (Dollars in Thousands)

Category	2016		2017		2018		
	Operating Level Reimb. Pos.	Operating Level Reimb. Pos.	Operating Level Reimb. Pos.	Operating Level Reimb. Pos.	ATBs	Changes to Operating Level	Total Reimb. Pos.
Intelligence Series (132)	2	2			0	0	2
Clerical and Office Services (300-399)	17	17			0	0	17
Accounting and Budget (500-599)	11	11			0	0	11
Paramedics/Nurses (610 & 640)	7	11			0	0	11
Attorneys (905)	1	1			0	0	1
Business & Industry (1100-1199)	5	5			0	0	5
Miscellaneous Inspectors Series (1801)	24	24			0	0	24
Criminal Investigative Series (1811)	4	4			0	0	4
Quality Assurance, Inspection & Grading Group (1900-1999)	2	3			0	0	3
Transportation Group (2100-2199)	43	38			0	0	38
Information Technology Mgmt (2210)	7	7			0	0	7
Total	123	123			0	0	123
U.S. Field	123	123			0	0	123
Total	123	123			0	0	123

K. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Justice Prisoner and Alien Transportation System

Revolving Fund

(Dollars in Thousands)

Object Class	2016		2017		2018		Increase / Decrease	
	Operating Level		Operating Level		Operating Level			
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Full-Time Permanent	96	8,655	108	9,828	110	10,018	2	190
11.5 Other Personnel Compensation	0	647	0	855	0	857	0	2
Overtime	0	469	0	663	0	620	0	-43
Other Compensation	0	178	0	192	0	237	0	45
11.8 Special Personal Services Payments	0	3,822	0	3,292	0	3,379	0	87
Total	96	13,124	108	13,975	110	14,254	2	279
Other Object Classes								
12.0 Personnel Benefits		3,543		3,391		3,816		425
21.0 Travel and Transportation of Persons		614		1,169		1,245		76
22.0 Transportation of Things		0		0		0		0
23.1 Rental Payments to GSA		817		788		798		0
23.2 Rental Payments to Others		24		96		102		6
23.3 Communications, Utilities, and Miscellaneous Charges		5,305		539		3,193		2,654
25.1 Advisory and Assistance Services		179		443		255		-188
25.2 Other Services from Non-Federal Sources		417		9,108		1,016		-8,092
25.3 Other Goods and Services from Federal Sources		722		391		596		205
25.4 Operation and Maintenance of Facilities		357		281		245		-36
25.6 Medical Care		0		0		113		113
25.7 Operation and Maintenance of Equipment		10,377		8,410		14,752		6,342
26.0 Supplies and Materials		7,436		12,805		11,739		-1,066
31.0 Equipment		10,194		168		168		0
32.0 Land and Structures		73		0		0		0
Total Obligations		53,182		51,565		52,282		717
Subtract - Unobligated Balance, Start-of-Year		-24,625		-20,186		-20,186		0
Subtract - Recoveries/Refunds		-219		0		0		0
Add - Unobligated End-of-Year, Available		20,186		20,186		20,186		0
Total Direct Requirements	0	48,523	0	51,565	0	52,282	0	717
Reimbursable FTE	96		108		110		2	
Full-Time Permanent								
FY 2016 Obligation Total from September 2016 SF-133, line 2104.								

Schedule of Aircraft
Justice Prisoner and Alien Transportation System
Revolving Fund
(Dollars in Thousands)

Type of Aircraft (Passenger Capacity)	End-of-Year Inventory	2016			2017			2018			
		Acquired	Disposed	End of Year	Acquired	Disposed	End of Year	Acquired	Average Cost (\$000)	Disposed	End of Year
Direct Purchase											
Jet Engine (8-10)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (120-140)	2.0	1.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	3.0
Turbo-Prop (50-60)	1.0	0.0	0.0	1.0	0.0	1.0	0.0	0.0	0.0	0.0	1.0
Turbo-Prop (10-20)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Subtotal, Purchased	3.0	1.0	0.0	4.0	0.0	4.0	0.0	0.0	0.0	0.0	4.0
Leased											
Turbo-Prop (11)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (120-140)	1.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (10)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Subtotal, Leased	1.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Seized or No Cost											
Excess:											
Single-Engine (3)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Twin-Engine (6)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Turbo Prop (50)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (120)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (75)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (8)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Jet Engine (10)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Subtotal, Seized	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Aircraft	4.0	1.0	1.0	4.0	0.0	4.0	0.0	0.0	0.0	0.0	4.0

**United States Marshals Service
FY 2018 Performance Budget
President's Budget Submission**

Federal Prisoner Detention Appropriation



May 2017

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I. Overview

A. Introduction

The United States Marshals Service (USMS) Federal Prisoner Detention (FPD) Appropriation provides housing, transportation, and care for federal detainees housed in non-federal detention facilities. For FY 2018, the FPD Appropriation requests a total of 19 positions, 19 full-time equivalent (FTE), and \$1,536,000,000. The request includes adjustments-to-base of \$121,051,000 and a program increase of \$50,349,000.

Federal Prisoner Detention			
	Positions	FTE	Amount* (\$000)
FY 2016 Enacted	19	19	\$1,454,414
FY 2017 Continuing Resolution	19	19	\$1,451,815
FY 2018 Request	19	19	\$1,536,000

* Does not include balance rescissions

The USMS is not requesting any program enhancements for information technology (IT). The request includes nine positions, nine FTE, and \$19,006,000 for IT activities as reported in the Agency IT Portfolio Summary (formerly Exhibit 53A). Of this amount, \$8,274,000 is for the Capture Initiative (formerly referred to as the NextGen initiative). The FPD account currently has one IT position. The eight positions reported in the Agency IT Portfolio Summary reflect all USMS FTE that support a detention function. The IT resources provide for support staff, hardware, applications providing access to detention facility information, facility contract information, electronic Intergovernmental Agreement (eIGA), prisoner movement, and an e-Gov site providing secure role-based access to detention information.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>

B. Background

The FPD appropriation funds costs associated with the care and custody of federal detainees in private, state, and local facilities. The USMS must ensure sufficient resources are available to house and care for its detainees. While fluctuations in the Average Daily Population (ADP) are largely outside of USMS' direct control, the USMS continues to coordinate the acquisition of sufficient detention space in the most cost-efficient manner. This objective becomes more challenging in times when detention space availability is limited.

The USMS continues to refine and improve detention operations to be more cost-effective and to be more responsive to the needs of the fluctuating detention environment. The USMS continues

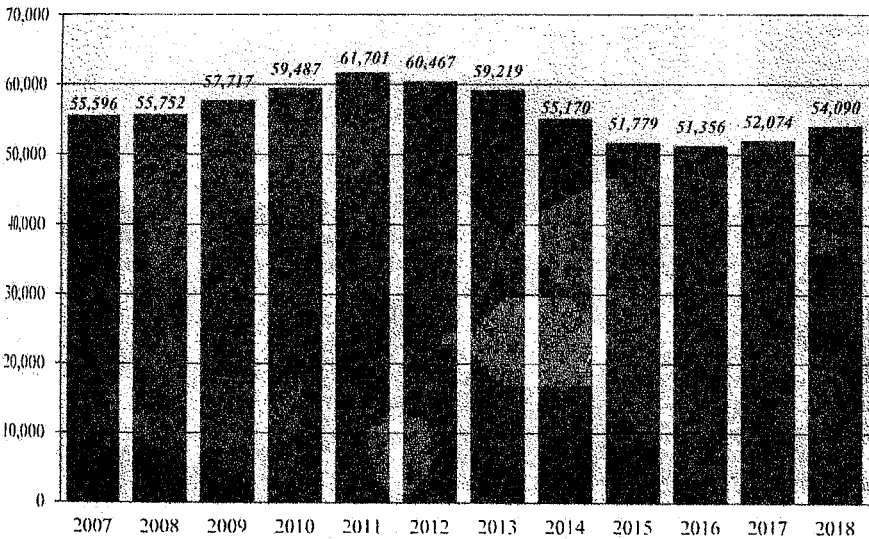
to aggressively seek efficiencies; work with federal, state, and local partners regarding bed space; and reduce contract costs. These measures also help contain detention expenditures.

Additionally, law enforcement and prosecutorial priorities directly impact USMS detention resource needs. Linking law enforcement initiatives and detention funding requests is essential to provide the Congress accurate information for budget forecasting, cost containment and effective results.

Decline in the Prisoner Population: Since FY 2011, when the ADP peaked at 61,701, the USMS has experienced a substantial decrease in the federal detainee population. ADP declined to 51,356 in FY 2016, a level the USMS has not observed since 2004. This decline in the federal detention population is directly attributable to the decrease in the number of prisoners charged with an offense in the federal courts coupled with prisoners spending less time in detention.

In addition, continuing initiatives such as fast-track prosecution of selected offenses, expedited designation and transfer of sentenced prisoners to BOP institutions, and alternatives to detention have proven successful at reducing detention time, particularly during the post-sentencing period, and resulted in a substantial decrease in the detention population from peak levels.

**Average Daily Population
Fiscal Year 2007 through 2018**



Projecting the Prisoner Population: Projecting the ADP for the detention account is a challenging exercise due to the complexity and dynamic nature of the variables used to calculate projections. For example, detention projections are calculated using reliable trend analyses comprised of several leading indicators which are factored into the projection with a significant degree of accuracy, such as types of bookings, time in detention, law enforcement and attorney

staffing levels. However, other influences which are frequently established outside of the budget process can have substantial influence on detention needs, such as special law enforcement and prosecutorial initiatives. For this reason, population projections are in a fairly constant state of flux and require periodic adjustments. Despite the complexities of projecting the detention population, building the budget request using current patterns and trends keeps the budget in alignment with detention requirements.

**Average Daily Detention Population and
Prisoners Received, by Offense
Fiscal Year 2007 through 2018**

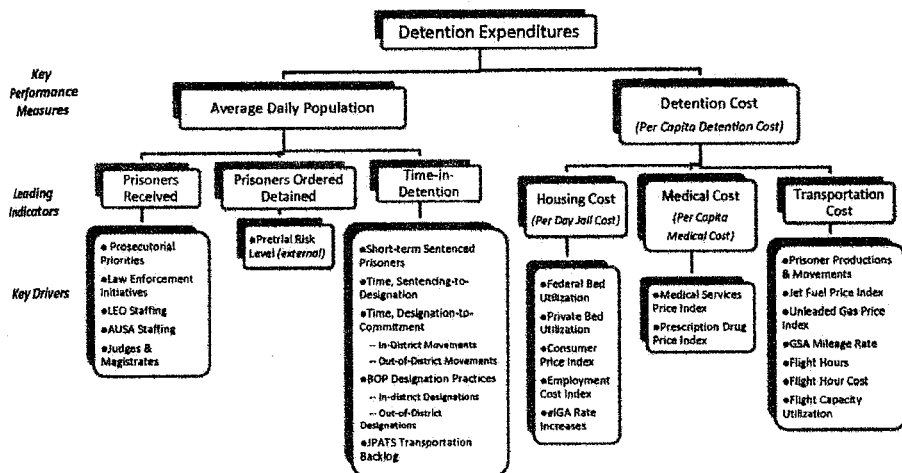
<u>Fiscal Year</u>	<u>ADP</u>	<u>Total Prisoners Received</u>					
		<u>Immigration</u>	<u>Drugs</u>	<u>Weapons</u>	<u>Other</u>		
2007	55,596	177,835	54,843	31,987	9,028	81,977	
2008	55,752	200,532	78,404	30,713	8,746	82,669	
2009	57,717	208,527	85,234	31,705	8,732	82,856	
2010	59,487	211,032	82,977	30,253	8,335	89,467	
2011	61,701	210,822	84,341	31,087	8,090	87,304	
2012	60,467	207,433	91,527	28,937	8,590	78,379	
2013	59,219	222,504	98,027	28,382	8,305	87,790	
2014	55,170	204,633	82,178	24,525	7,578	90,352	
2015	51,779	196,548	71,403	24,993	8,332	91,820	
2016	51,356	197,006	68,739	25,923	9,150	93,194	
2017	Projected	52,074	200,643	71,743	25,807	9,032	94,061
2018	Projected	54,090	207,767	79,630	26,574	8,778	94,061

Detention Population Forecasting Model: The USMS uses a statistical approach to predict detention needs. The Detention Population Forecasting Model incorporates factors such as population, demographic trends, number and type of criminal cases processed, average processing time per type of case, and authorized/requested positions of federal law enforcement, U.S. Attorneys, U.S. District Court judges, and immigration judges. These factors allow for the development of impact scenarios that address proposed legislation, known DOJ law enforcement initiatives, and current activities. The USMS bases detention projections on past performance and behavior of the players involved. Any shift in behavior may alter the outcome.

The detention population projection for FY 2018 is a particularly challenging assessment for the USMS. During prior years, the long-term trend has reflected steady annual increases in the number of prisoners received. This trend translated directly to increases in the overall detention population. However, since FY 2014, the number of prisoners received for prosecution significantly decreased. This decrease may be due to factors such as reduced funding for federal law enforcement agencies and changes in prosecutorial practices and priorities. Consequently, it is difficult to determine whether the current trend will continue. If the trend is only temporary, prosecutorial activity may substantially increase after a period of stagnation, particularly as a result of the change in Administration and prosecutorial priorities.

As shown in the chart below, the primary drivers of detention expenditures are the number of prisoners booked by the USMS and the length of time those prisoners are held in detention. However, both of these factors are directly influenced by activities and decisions throughout federal law enforcement components, U.S. Attorneys offices, and the federal judiciary. Accordingly, the USMS regularly monitors – and tries to anticipate – changes in federal law enforcement priorities and the number of on-board staff.

Primary Drivers of Detention Expenditures



Capital Improvement Program (CIP): The CIP is a comprehensive program used to address detention space needs in critical areas. The program offers various contractual vehicles to provide federal funding to state and local authorities for the expansion, renovation, and construction of jails or the acquisition of equipment, supplies, or materials in exchange for detention beds. The USMS has approximately 70 active CIP agreements that provide detention beds in critical areas. While the number of new CIP agreements has slowed in recent years, this program remains an essential tool in helping the USMS provide adequate detention beds in areas where space is limited.

The program consists of two parts: the Cooperative Agreement Program (CAP) and Non-Refundable Service Charge Contract (NSCC). CAP provides federal resources to select state and local governments to renovate, construct, and equip detention facilities in return for guaranteed bed space for a fixed period of time for federal detainees in or near federal court cities. The NSCC allows the USMS to directly contract with state and local governments providing up-front funding for renovation or construction of jails to house federal detainees in exchange for guaranteed bed space at a fixed rate. The program is subject to the guidelines set by the Federal

Acquisition Regulation (FAR) and allows the USMS to meet federal detention housing needs by directly investing resources into participating state and local facilities.

For example, during FY 2010 the Office of the Detention Trustee (OFDT), FPD's predecessor, entered into an IGA with the State of Maryland to use up to 500 beds at the Maryland Correctional Adjustment Center (now Chesapeake Detention Facility) through 2025 in exchange for a \$20,000,000 CIP award. The facility is in close proximity to the federal district court in Baltimore and provided dedicated, guaranteed detention space for prisoners held in USMS custody in the District of Maryland. Full utilization of the IGA at a fixed operating cost reduced the effective per diem rate from \$198 to approximately \$131.

Detention Information Technology Infrastructure: The USMS is modernizing its information technology infrastructure to maintain its IT business requirement for detention-related systems and to establish a new foundation for future technology requirements. In FY 2016, the USMS began efforts to modernize, replace, and consolidate outdated USMS prisoner management information systems. This will result in operational efficiencies, new mobile computing capabilities, increased officer safety, and improved internal and external information sharing across all district offices and for headquarters program managers.

The USMS continues to use IT to implement efficiencies through programs including eDesignate, which reduces post-sentencing time in detention; eIGA, which standardizes the pricing strategy for non-federal detention space, controlling costs and providing greater certainty in rates to be paid; and the Quality Assurance Program, which ensures that private facilities meet DOJ requirements for safe, secure and humane confinement. Shared data and the integration of information technology systems such as the USMS Justice Detainee Information System (JDIS) and the JPATS Management Information System (JMIS) are fundamental to these programs.

C. FY 2018 Request

The FPD account is defined by one program activity: Detention Services. The FPD request includes \$1,536,000,000 in appropriated resources for this activity. This amount includes \$1,367,973,000 for housing and subsistence of detainees, \$75,950,000 for health care, \$25,442,000 for medical guards, and \$65,283,000 for transportation costs. The requested amount also includes \$1,352,000 for incidental costs associated with prisoner housing and transportation such as prisoner meals while in transit, prisoner clothing, and parking for government vehicles.

Adjustments-to-Base: FPD's base adjustments of \$121,051,000 reflect an increase of \$64,000 for pay and benefits and \$33,772,000 for other inflationary cost increases associated with increases in detention-related services. Also, a technical adjustment to restore prior year balances of \$87,215,000 is included to ensure that sufficient base resources are maintained.

ADP Projections: The USMS currently projects an FY 2018 ADP of 54,090 based on estimated bookings and time-in-detention. The ADP is directly related to the number of persons arrested by federal law enforcement agencies coupled with the length of time defendants are detained

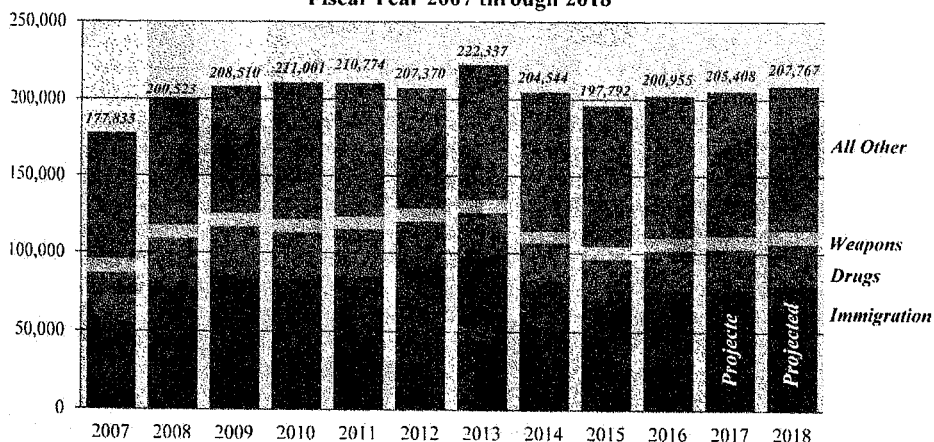
pending adjudication, release, or subsequent transfer to the Bureau of Prisons (BOP) following conviction and sentencing.

Full Program Cost: Full program costs include resources for housing, care, and transportation of detainees as well as activities that help improve the detention infrastructure and contain costs. Investment in detention infrastructure will enable the USMS to effectively drive efficiencies and manage the detention appropriation.

Full Program Cost by Program Activity		
Program Activity	Program Category	Amount (\$000)
Detention Services	Housing & Subsistence	\$1,367,973
	Health Care Services	75,950
	Medical Guards	25,442
	Transportation	65,283
	Other	1,352
Total Request		\$1,536,000

The number of prisoners received by the USMS has decreased by approximately 10% between FY 2013 and FY 2016, from 222,337 to 200,955. The primary drivers for this change were immigration offenses (29,288 fewer prisoners received in FY 2016 compared to FY 2013) and drug offenses (2,459 fewer prisoners).

**Prisoners Received, by Offense
Fiscal Year 2007 through 2018**



The FPD appropriation operates within a structure that offers little opportunity for economies of scale. Each additional prisoner received translates into a direct expenditure. For example, an additional three percent increase in the number of prisoners received for drug offenses (or 797 additional prisoners) would result in an \$11,746,689 increase in detention expenditures. As the chart below demonstrates, in the drugs, weapons, and immigration offense categories, an unplanned three to 10 percent increase in prisoners received results in a level that is within historical boundaries.

Impact of Increase in Prisoners Received Beyond FY 2018 Population Projections				
Category / Increase	Prisoner Bookings		Total ADP	Projected Cost Increase
	Total	Variance from Projection		
<i>Prisoners Received for Drug Offenses</i>				
Baseline	26,574	---	54,090	---
+3%	27,371	797	54,450	\$11,746,689
+5%	27,903	1,329	54,689	\$19,577,815
+10%	30,560	2,657	55,288	\$39,155,630
<i>Prisoners Received for Weapons Offenses</i>				
Baseline	8,778	---	54,090	---
+3%	9,041	263	54,212	\$3,971,976
+5%	9,217	439	54,293	\$6,619,960
+10%	9,656	878	54,495	\$13,239,919
<i>Prisoners Received for Immigration Offenses</i>				
Baseline	79,630	---	54,090	---
+3%	82,019	2,389	54,469	\$12,383,508
+5%	83,612	3,982	54,721	\$20,639,180
+10%	91,575	7,963	55,353	\$41,278,360

The USMS projects that the Southwest Border (SWB) will continue to be a focal point of federal law enforcement in FY 2018. During FY 2016, more than half of all prisoners the USMS received were in the five judicial districts comprising the SWB (Arizona, Southern California, New Mexico, Southern Texas, and Western Texas). In light of the Administration's policy to increase immigration enforcement and immigration-related prosecutions, the USMS projects an increase of 6,812 prisoners received between FY 2016 and FY 2018, and estimates that about two-thirds of that increase will occur in the SWB districts as a result of immigration offenses. Though lower than the peak level observed during FY 2013, the projected increase generally reflects continued increases in federal law enforcement resources in these districts and federal law enforcement's emphasis on protecting and securing the SWB.

Historically, implementation of zero-tolerance immigration enforcement policies along the SWB has had the most significant impact on the detention population and USMS workload. After these policies were implemented during 2005, the number of prisoners received for immigration

offenses increased from nearly 40,000 to a peak of 98,000 in FY 2013. Those offenses remain at 68,000 in FY 2016. At the height of these programs, immigration offenders comprised almost half of all persons received by the USMS. Although the USMS observed a decrease in the number of persons received for immigration offenses during FY 2016, the USMS expects the number to increase due to immigration enforcement-related activity.

D. Sustainability

The USMS has designed detention services contracts that increase the purchase and use of renewable, environmentally friendly bio-based products. The USDA BioPreferred Program has identified more than 15,000 commercially-available, bio-based products across approximately 200 categories. Each contractor submits an annual report that indicates the percentage of BioPreferred products used within the detention facility. The USMS uses these reports to determine contractor compliance with contract standards for bio-based product utilization.

The USMS conducts contract procurement for new detention space in compliance with the National Environmental Policy Act (NEPA). NEPA requires federal agencies to examine the impact of agency actions on the environment. The examination determines if there are any endangered species that will be affected, potential hazardous toxin emissions that could harm water supply, traffic patterns, etc., leading to the development of mitigation plans in conjunction with private service providers.

The USMS evaluates environmental documentation submitted by contract applicants during the acquisition process, and verifies submissions for accuracy in accordance with solicitation environmental instructions. When comparing competing proposals, the USMS credits those proposals that have a lower, or smaller negative, impact on the human environment.

E. Challenges

The USMS continues to analyze cost savings measures for economies of scale; communicate transparently with the Department, Office of Management and Budget (OMB), and Congress; and pursue resources to accomplish the USMS' core mission, operate programs, improve detention management, ensure officer and detainee safety, and provide the highest possible security for the federal judicial process.

The USMS detention resources are directly impacted by law enforcement and prosecutorial priorities and larger legislative reforms such as immigration reform, Southwest Border initiatives, and changes to sentencing guidelines. To meet these challenges, the USMS continues to reform business practices to optimize national detention operations. This will include robust interagency and non-governmental collaboration efforts to develop innovative solutions to effectively forecast and manage prisoner processing, housing, transportation, and medical costs. In streamlining detention operations and providing for monitoring and performance based reporting, the USMS plans to develop a comprehensive IT environment that will modernize technology infrastructure, allow for enhanced data sharing and facilitate greater efficiencies across the agency.

II. Summary of Program Changes

Item Name	Description	Positions	FTE	Amount (\$000)	Page
Population Increase – Immigration Enforcement	Resources to fund additional bed space to house increased detention population	0	0	\$50,349	31

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

UNITED STATES MARSHALS SERVICE
FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, [~~\$1,454,414,000~~]~~\$1,536,000,000~~, to remain available until expended: *Provided*, That not to exceed \$20,000,000 shall be considered “funds appropriated for State and local law enforcement assistance” pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That any unobligated balances available from funds appropriated under the heading “General Administration, Detention Trustee” shall be transferred to and merged with the appropriation under this heading.

[(CANCELLATION)]

[Of the unobligated balances from prior year appropriations available under this heading, \$24,000,000, are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. (Department of Justice Appropriations Act, 2016.)]

Analysis of Appropriations Language

No substantive changes proposed.

IV. Program Activity Justification

A. Detention Services

Detention Services	Direct Positions	Estimated FTE	Amount* (\$000)
2016 Enacted	19	19	\$1,454,414
2017 Continuing Resolution	19	19	\$1,451,815
2017 Continuing Resolution (with Balance Rescission)	19	19	\$1,364,600
Adjustments to Base and Technical Adjustments	0	0	\$121,051
2018 Current Services	19	19	\$1,485,651
2018 Program Increases	0	0	\$50,349
2018 Request	19	19	\$1,536,000
Total Change 2017-2018			\$171,400

* Does not include balance rescissions.

Detention Services – IT Breakout	Direct Positions	Estimated FTE	Amount (\$000)
2016 Enacted	1	1	\$36,221
2017 Continuing Resolution	1	1	\$11,026
2018 Current Services	1	1	\$19,006
2018 Request*	1	1	\$19,006
Total Change 2017-2018			\$7,980

* Capture Initiative funding is \$8,274,000.

1. Program Description

Detention Services

Detention resources provide housing, transportation, medical care, and medical guard services for federal detainees remanded to USMS custody. The FPD appropriation expends resources from the time a prisoner is brought into the USMS custody until criminal proceedings are terminated and/or the detainee is committed to BOP.

The federal government relies on various methods to house detainees. The USMS acquires detention bed space for federal detainees as effectively and efficiently as possible through:

- federal detention facilities, where FPD uses BOP facilities for which the federal government has already paid for construction and subsequent operation;

- Intergovernmental Agreements with state and local jurisdictions that have excess prison/jail bed capacity and receive a daily rate for the use of a bed; private jail facilities where a daily rate is paid per bed; and
- the Capital Improvement Program, which includes the CAP and the NSCC, where capital investment funding is provided to state and local governments for guaranteed detention bed space in exchange for a daily rate negotiated through an IGA.

In certain high demand areas (e.g., the Southwest Border), DOJ has not been able to rely as much on IGAs and federal facilities to meet housing requirements. Accordingly, in 2017, the USMS expects that federal facility capacity will accommodate only 18% of its detention population. By contrast, during FY 2000, federal facilities housed approximately 30% of the USMS detention population. As less space in federal facilities is available, DOJ has increasingly had to rely on the private sector.

Detention Management Services Automation

The USMS continues to facilitate efficiencies through process automation by identifying process automation opportunities, designing support solutions, and investing in IT infrastructure – when appropriate, integrating existing detention systems and services. The USMS' primary operational mission systems for Federal Prisoner Detention are the Justice Detainee Information System (JDIS) and Detention Services Network. The current configuration and support for these systems lack stability, scalability, centralization, and are no longer technologically sustainable. System capabilities do not meet current operational mission requirements effectively or efficiently. Moreover, the systems do not easily interface with external local, state, and federal partners for complex data sharing.

Capture Initiative: In FY 2016, the USMS began to integrate required IT solutions with existing systems to maximize the government's return on investment. The development of Capture is expected to take four years at a cost of approximately \$107,000,000.

Capture incorporates a comprehensive integration and improvement of all current USMS operational business and mission capabilities (automated and manual), a consolidation of operational data, and an improvement of operational business processes at headquarters and in the field. The transformation to implement Capture will be accomplished, in part, with a new web-based solution that enables user access from multiple platforms (i.e., desktops, tablets, and mobile phones) in a manner which is intuitive for each distinctive USMS line of business.

Today, if a deputy wants to retrieve all known data on a specific prisoner, they must access multiple applications on different systems and manually search filing cabinets to consolidate information about the detainee. Capture will implement an electronic master prisoner record which will provide biographic information, warrants, associates, detainees' current location, and other relevant details. Access to the master prisoner record will increase officer safety by making information about prisoner gang relationships, medical issues, or violent tendencies readily available. Deputies will access data using mission applications on the device that best supports their mission.

Capture is structured using a line of business (LoB) model to ensure that it meets the needs of the organization. Detention Operations is supported by the Prisoner Management LoB, which is composed of eight Mission Functions. While each Mission Function may appear to be unique and independent of the others, in actual practice there is considerable overlap and synergy among them.

Prisoner Management follows the life cycle that spans the duration of a prisoner's custody by USMS, from arrest to commitment or release. The Mission Functions are derived from the high-level stages of this life cycle. Following arrest, prisoner **Intake** is the means by which a subject comes into USMS custody, and where the arrested individual's personal history and data are collected along with charges and case information. Intake is effectively the beginning of the subject's custody with USMS. The **Custodies** period involves ongoing prisoner **Productions** for court appearances, which can include the initial appearance hearing, numerous pretrial motions, the trial itself, and adjudication and sentencing. For prisoners found guilty, the **Designation** Mission Function describes the means by which the prisoner is designated to serve their sentence in a federal prison facility. Throughout the duration of custody, the USMS is responsible for **Medical Management** of the prisoner as medical issues arise, as well as ongoing In-District and Out-of-District **Transportation** of the prisoner during the pretrial, trial, and sentencing period. Transportation also comes into play following Designation, when the prisoner is moved to a designated federal prison. To house prisoners during custody, the USMS contracts with private jail facilities or enters into inter-governmental agreements (IGAs) with state, county, or local jails. The **Facilities and Inspections** function supports contract and IGA management, as well as the regular inspections conducted by either USMS or contracted Subject Matter Experts. Finally, support staff at district offices and headquarters use the **Financial and Billing** process to reconcile and pay jail invoices.

Since it is important to retire JDIS legacy system functionalities, the USMS has established a release plan that consists of six deployments from FY 2018 to FY 2020. The USMS is focusing on the development of Prisoner Management's Intake, Custodies, Productions, Transportation, and Facilities and Inspections for the first release in early 2018.

Implementation of Capture is a mission-critical priority for the USMS. It will create efficiencies and benefit the USMS through:

- Significant improvement in operational business capabilities to enhance intelligence gathering, reporting, and decision-making that enhance and emphasize officer safety.
- Significant improvement in data management, retrieval, and reporting capabilities that make timely, integrated information available not only to the USMS but also to other federal, state, and local law enforcement agencies. As the USMS identifies and develops solutions beneficial to the USMS and the Department, it will strengthen its partnerships with DOJ components, other agencies, and state and local law enforcement. These efforts will improve the USMS' ability to discover information and generate knowledge, providing the USMS integrated, seamless, and reliable systems that are readily accessible to relevant data.

- Advanced enterprise data security which implements role-based access controls at the enterprise level, ensuring data can only be accessed by those with a need to know.
Cost avoidance in man-hours spent manually searching, cleansing, consolidating, and analyzing data.
- Fielding integrated systems with configuration and support that are stable, scalable, centralized, and technologically sustainable.
- Reporting and analytics which will enable the integration of operational and administrative data management with analytical capability. This will include analytical tools, conversion to digital format, data sharing, electronic recording, geospatial map displays, search, security, data storage, and enterprise reporting.

Detention Services Network (DSNet): DSNet is a multifaceted, full-service internet site for the management of detention services and prisoner processing. The USMS' Prisoner Operations Division (POD) administers the DSNet via programs that provide for the housing, transportation, and care of federal prisoners throughout all 50 states and its U.S. territories. The web-based DSNet system optimizes national detention operations with well-established business practices that achieve cost effective, safe, secure, and humane confinement and transportation of prisoners.

The DSNet system automates many of the processes required to manage prisoners while storing case information related to the "Arrest to Commitment" lifecycle. DSNet is the primary tool utilized by POD to manage detention services and supports the following specific functions:

- Automation of the "sentence to commitment" process for federal detainees
Management and procurement of private detention services via state and local intergovernmental agreements
- Inspection and procurement of "bed space" for detention services
Approval of prisoner medical requests

Modernization of DSNet will provide a comprehensive integration into the Capture initiative, further improving current USMS operational business and mission capabilities at headquarters, in the field, and with detention partners. Detention services offerings continue to be developed and implemented as detention needs arise. The DSNet site currently includes six modules: eDesignate, eMove, Electronic Prisoner Medical Record (ePMR), Electronic Intergovernmental Agreement (eIGA), Facility Review Management System (FRMS), and Detention Facility Review (DFR).

eDesignate: eDesignate is a secure, electronic, web-based system that automates the Sentence to Commitment (S2C) process by transferring data and documents electronically. eDesignate includes eMove, a transportation module that allows the USMS to submit movement requests electronically.

Since 2008, eDesignate has been fully operational in all 94 U.S. Federal Court districts. It is the enterprise technology solution used by the U.S. Courts, USMS, and BOP for federal prisoner designations and JPATS movement requests. eDesignate eliminates the paper process and

creates a faster, more transparent, and effective workflow across agencies. Specifically, automated detainee data sharing for designation and movement eliminates redundant efforts, saves time, reduces errors, provides better visibility of the process, enables better problem resolution across agencies, and provides information necessary to manage more effectively.

eDesignate enables the BOP to complete sentence computations and dispositions for designation or return to the USMS. Disposition is based on the sentence length: in the case of a short-term sentence, the USMS maintains custody of the detainee until the sentence is served; for longer sentences, the USMS prepares the prisoner for movement to the commitment location. eDesignate delivers the necessary documents and data in one complete package to the BOP via a secure system, which saves detention costs by enabling all agencies to monitor and provide relevant information to shorten the post-sentence process.

Finally, eDesignate monitors performance objectives and metrics within and across agencies as well as gives managers the ability to watch and react to operational issues and trends. Managing and monitoring the S2C process via eDesignate has reduced the average number of days detainees are in the S2C pipeline.

eMove: In 2008, the USMS implemented eMove in all 94 USMS districts in cooperation with JPATS. eMove provides a seamless transition from eDesignate to complete the full automation of the S2C process. It gives the USMS the ability to submit and monitor web-based movement requests to JPATS and streamlines the workflow among participating agencies by fully automating the federal detainee transportation request process, thereby reducing the time from designation to commitment.

In February 2012, an eMove enhancement was released nationwide that enables districts to schedule and manage all in-district Judgment and Commitment (J&C) detainee moves. The module allows the USMS to submit routine out-of-district movement requests, such as Federal Writs, Attorney Special Requests, and Warrant of Removals, to JPATS. eMove enables districts to submit and manage all prisoner movement information seamlessly in one central system.

The USMS now centrally manages in-district moves, which allows the USMS to develop performance objectives and measure the operational effectiveness of prisoner movement. With this monitoring capability, the USMS can identify movements that minimize time-in-detention, thus reducing detention costs.

ePMR: ePMR was implemented in all 94 USMS districts in 2010 to provide a workflow for medical designations. The system streamlines and automates the approval process for requests for detainee medical services from USMS district offices to the Office of Interagency Medical Services (OIMS). ePMR eliminated a paper-based request and approval system and provided the ability to automatically capture relevant detainee data from other agency systems.

ePMR works seamlessly with existing systems and reduces the work associated with data entry, storage, and reduces costs associated with paper/printer usage. The electronic solution presents relevant data and documents in one complete package to OIMS at USMS headquarters at a single point in time. The system also provides feedback mechanisms across USMS offices for faster

case resolution. Additionally, ePMR not only provides users within districts with a level of collaboration never before realized, but also enables managers to adjust workloads internally, monitor performance and audit status both internally and externally.

eIGA: The USMS deployed eIGA system in 2008 to manage its interaction with facility providers offering detention services. eIGA automates the application process by enabling a facility to provide essential information via a secure, web-based system and then provides the government with a reliable and justifiable structure for negotiation. The system streamlines the former paper-based process, tracks the negotiation between detention provider and the government, and provides audit and reporting tools.

FRMS: The FRMS is a web-based application developed to facilitate, standardize, record, and report the results of Quality Assurance Review (QAR) performed on private facility contract performance. The system documents and produces a comprehensive QAR report that provides consolidated facility information and historic data. FRMS information ensures the adequacy and sufficiency of services provided in non-federal detention facilities that house federal detainees. In 2008, FRMS received the Attorney General's Award for Information Technology Excellence based on its innovative concept, successful implementation, and continued program success.

DFR: The DFR application module automates the review of non-federal facility reviews. The application allows easy, standardized recording of review results, which then can be summarized into reports for USMS management's use.

2. Performance Resources Table

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Detention Services												
Workload / Resources (\$ in thousands)		Target		Actual		Projected		Changes		Requested (Total)		
FY 2016		FY 2016		FY 2016		FY 2017		Current Services Adjustments and Program Changes FY 2018		FY 2018 Request		
Total Average Daily Population	52,644	51,356	52,074	51,356	52,074	2,016	-	54,090				
State & Local Gov't (IGA) Facilities	32,867	32,216	32,141	32,216	32,141	1,489		33,650				
Private Facilities	10,014	9,463	9,887	9,463	9,887	744		10,631				
Subtotal Non-Federal Facilities	42,881	41,679	42,029	41,679	42,029	2,232		44,261				
Federal Facilities (BOP)	9,538	9,456	9,790	9,456	9,790	(83)		9,707				
Non-Paid Beds	225	241	256	241	256	(134)		122				
Total Costs and FTE												
(Reimbursable: FTE are included, but costs are bracketed and not included in totals)												
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	
	19	\$1,454,414	19	\$1,439,291	19	\$1,364,600	0	\$171,400	19	\$1,536,000	19	
		[\$630]		[\$202]		[\$650]		[\$0]		[\$650]		
Type / Strategic Objective	Performance / Resources											
Program Activity	Detention Services	Resources	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
		Detention Housing & Subsistence	19	\$1,439,291	19	\$1,364,600	0	\$171,400	19	\$1,536,000	19	\$1,536,000
		Per Day Jail Cost (Non-Federal)		\$81.13		\$82.34		\$75		\$83.09		\$83.09
Efficiency		Health Care Cost Per Capita (Non-Federal)		\$2,165		\$2,245		\$0.46		\$2.291		\$2.291
Performance		# Targeted Non-Federal Facility Reviews Completed*		18		18		0		18		18
Outcome		Per-Day Detention Cost		\$86.46		\$88.38		\$0.96		\$89.34		\$89.34
Outcome		# Targeted Non-Federal Facilities Meeting Minimum Standards		18 of 18		18 of 18		0		18 of 18		18 of 18

PERFORMANCE MEASURE TABLE															
Decision Unit: Detention Services															
Performance Report and Performance Plan Targets															
Performance Measure	FY 2012		FY 2013		FY 2014		FY 2015		FY 2016		FY 2017		FY 2018		
	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	
Efficiency Measure Per Day Jail Costs (Non-Federal)	\$74.21		\$74.63		\$76.24		\$79.24		\$80.67		\$81.13		\$82.34		\$83.09
Performance Measure	\$1,890		\$1,873		\$2,044		\$2,168		\$2,020		2,165		\$2,245		\$2,291
Performance Measure	23		23		15		15		18		18		18		18
Performance Measure: Outcome	\$78.23		\$80.33		\$82.81		\$85.59		\$86.46		\$86.82		\$88.38		\$89.34
Performance Measure: Outcome	100%		100%		100%		100%		100%		100%		100%		100%
	23 of 23		23 of 23		15 of 15		15 of 15		18 of 18		18 of 18		18 of 18		18 of 18

Data Definitions, Validation, Verification, and Limitations:

1. Performance Measure: Average Daily Population (ADP)

- a) **Data Definition:** Number of prisoners in the custodial jurisdiction of the USMS on an average daily basis. ADP is calculated on a per capita, per day basis.
- b) **Data Collection and Storage:** Data is maintained in the Justice Detainee Information System (JDIS) database. All prisoner statistical information is derived from JDIS.
- c) **Data Validation and Verification:** Monthly data are verified by comparing the data recorded in JDIS with billing data provided by non-federal detention service providers. Jail rate information is verified and validated against actual jail contracts.
- d) **Data Limitations:** Limited by the timely entry of prisoner data into JDIS.

2. Performance Measure: Per Day Jail Cost

- a) **Data Definition:** Actual average price paid per day (over a 12-month period) by the USMS to house federal prisoners in non-federal detention facilities. IGA jail cost represents the average cost paid by the USMS to house prisoners in facilities operated by state and/or local governments. Private jail costs represent the average cost paid by the USMS to house prisoners in facilities operated by non-governmental entities (such as for-profit corporations). Average price paid is weighted by actual jail day usage at individual detention facilities.
- b) **Data Collection and Storage:** Data describing the actual price charged by state, local, and private detention facility operators is maintained by the USMS in their prisoner tracking system (PTS) and it is updated on an as-needed, case-by-case basis when rate changes are implemented. Rate information for specific facilities is maintained by USMS headquarters staff. In conjunction with daily reports of prisoners housed, reports are compiled describing the price paid for non-federal detention space on a weekly and monthly basis. Data are reported on both district and national levels.
- c) **Data Validation and Verification:** Data reported are validated and verified against monthly reports describing district-level jail utilization and housing costs prepared by the USMS.
- d) **Data Limitations:** Maintaining prisoner movement data is a labor-intensive process. The reliability of the reported data is often compromised by time lags between the actual movement of prisoners and key-punching of those events into the PTS system. Accordingly, it is often necessary to delay reporting of official statistics several weeks to ensure that prisoner movement records have been properly updated.

3. **Performance Measure: Health Care Cost Per Capita**
 - a) **Data Definition:** Cost of health care services provided to federal prisoners under the custodial jurisdiction of the USMS. Total health care costs include the costs of health services provided by medical practitioners and medical guard services. Per capita health care costs are determined by dividing total health care expenditures for the reporting period by the average daily prisoner population for that reporting period.
 - b) **Data Collection and Methodology:** Data describing funds obligated for prisoner health care services are reported through reports generated from the USMS financial system.
 - c) **Data Validation and Verification:** In accordance with generally accepted accounting principles, the USMS routinely monitors its financial data for new obligations and de-obligations.
 - d) **Data Limitation:** Data reported reflect the anticipated cost of services provided to USMS prisoners. In the event that the actual cost is different from the anticipated cost, additional funds may need to be obligated or obligated funds, de-obligated. Because of the time lag between the rendering of services and the payment of invoices, several weeks may lapse before the actual cost of health care services provided to an individual prisoner can be accurately determined.
4. **Performance Measure: Per Day Detention Cost**
 - a) **Data Definition:** Total detention costs represent the aggregation of paid jail costs and health care costs on a per capita, per day basis.
 - b) **Data Collection and Storage:** See items 2 and 3 above.
 - c) **Data Validation and Verification:** See items 2 and 3 above.
 - d) **Data Limitations:** See items 2 and 3 above.
5. **Performance Measure: Targeted Non-Federal Facilities Reviews and Targeted Non-Federal Facilities Meeting Minimum Standards**
 - a) **Data Definitions:**
 - Targeted Non-Federal Facilities: All private facilities receive a Quality Assurance Review (QAR), and all IGA facilities housing more than five USMS prisoners per year receive a Detention Facility Review (DFR).
 - Number of Targeted Reviews Completed: Targeted non-federal facility QARs completed during the fiscal year.

Meeting Minimum Standards: In the QAR review process, a facility may receive one of five rating levels:

Excellent: Level of performance exceeds minimum standards; deficiencies are nonexistent or minor.

Good: Level of performance meets minimum standards; deficiencies are minor, offset by outstanding elements of performance.

Acceptable: Level of performance meets minimum standards; deficiencies are minor.

Deficient: Level of performance is weak; corrective action plans for internal controls are needed to maintain minimum standards.

At-Risk: Level of performance does not meet minimum standards and requires immediate corrective action plans.

Facilities must receive a rating above the At-Risk level to be considered to be Meeting Minimum Standards.

Targeted Number of Private Facilities Meeting Minimum Standards: This percentage is calculated by dividing the Private Facilities Meeting Minimum Standards by the number of these facilities scheduled for review during the fiscal year.

- b) Data Collection and Storage:** Data describing the facility ratings and standards that are met by the individual facilities will be maintained in the FRMS system. In conjunction with the QAR reviews; state, local, and other agency reviews are maintained in the DFR system.
- c) Data Validation and Verification:** Data reported are validated and verified against QAR reports, repository information, state, local or other agency reported data (i.e. BOP Sentry, USMS PTS).
- d) Data Limitations:** Data reported often reflect a delay in reporting.

3. Performance, Resources, and Strategies

Program Activity: Detention Services

FPD Performance Goal 1
Meet the Nation’s detention requirements in the most economical manner.

The USMS established a performance goal of maintaining per day detention costs at or below inflation to measure the success of obtaining detention space in the most cost-efficient manner. The chart and discussions identify the targeted level required to achieve that goal, and explain the mission challenges and strategies required to make the targeted level attainable.

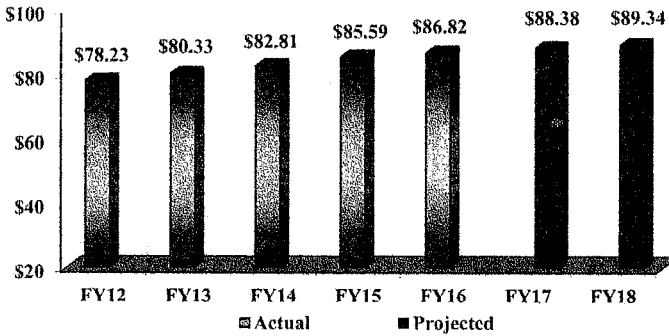
Performance Plan and Report:

Measure: Per Day Detention Cost (Housing and Medical Services)

FY 2016 Target: \$86.46

FY 2016 Actual: \$86.82

**Outcome Measure:
 Per Day Detention Cost
 (Housing & Medical Services)**



Challenge: Adequate Detention Beds

When state and local governments require more capacity to house their own prisoners, fewer detention beds are available to accommodate federal detainees. A reduction in state and local facility availability forces an increased reliance on private facilities that are habitually higher in cost.

Strategy: *Maximize the use of available bed space*

One goal of DSNet is to provide a means to monitor detention bed space usage and to allow for improved oversight of non-federal facility contracts and services. Timely and accurate data from

JDIS and other systems will be integrated into DSNet dashboards and reports to query and monitor capacity and usage. As a consolidated detention services site, the DSNet will also provide a vehicle for automated processing of IGAs, detention facility review information, and procurement data for agencies to assess, monitor, and manage detention bed space. This will give district offices increased flexibility to determine the best value to the federal government by leveraging available space, transportation, and care capabilities. The result is greater efficacy securing beds and other related services while holding detention costs down.

FPD Performance Goal 2

Ensure efficient use of detention space and minimize price increases.

Challenge: Projection of IGA Increases

DOJ uses intergovernmental agreements to establish relationships with state and local governments for the use of excess bed space at a negotiated per diem rate. During the life of an agreement, a state or local government may request rate adjustments from DOJ. Historically, the USMS did not know the quantity, frequency, or magnitude of such adjustments; the lack of that information added to the difficulty of projecting accurate rate increases for budgeting purposes.

Strategy: eIGA

eIGA was developed to provide a measure of standardization for the cost and the manner in which IGA rates for state and local facilities are calculated. eIGA is used to establish a negotiated fixed per diem rate for each facility within the parameters of rates of similar local facilities and limits future per diem rate adjustments. The cost of housing detainees becomes more predictable as new trends and set prices are integrated with more comprehensive bed space requirements. eIGA is adding more IGAs as new agreements are initiated and older agreements are renegotiated. The eIGA system also has reporting capabilities which enable more accurate, timely reports.

Strategy: Reduce prisoner processing time via eDesignate

eDesignate provides for a more efficient workflow between the U.S. Probation offices, the USMS, and the BOP during the sentence-to-commitment process by significantly reducing the workload of agency personnel involved in the administratively taxing designation process. All 94 Judicial Districts are use eDesignate. In 2010, eDesignate was expanded to include JPATS movement requests.

Strategy: Increase use of detention alternatives

The USMS will continue to provide funding to the federal judiciary to support alternatives to pretrial detention, such as electronic monitoring, halfway house placement, and drug testing and treatment. The budgetary savings of these alternatives to detention is substantial. The USMS provides the Administrative Office of the United States Courts (AOUSC) with \$4,000,000 annually to supplement its funding for alternatives to detention. If the defendants who were released on an alternative-to-detention program had been detained in a secure facility pending

adjudication, the detention population would be higher and the costs to house those defendants would far exceed the amount provided to AOUSC.

Strategy: Maintain/gain economies of scale through partnered contracting

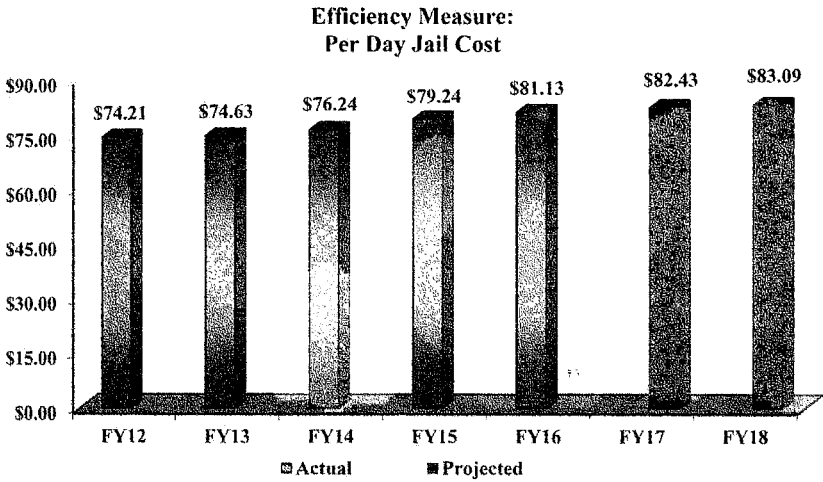
The USMS will continue to partner with Immigration, Customs, and Enforcement (ICE) and BOP as appropriate on joint-use facilities to achieve the best cost to the Government. In this procurement process, each agency establishes a minimum level of bed space usage to achieve the best prices. Approaching the negotiating process together eliminates the potential for competition between agencies. This methodology has worked well in the past and will continue for future negotiations as appropriate.

Performance Plan and Report:

Measure: Per Day Jail Cost

FY 2016 Target: \$80.67

FY 2016 Actual: \$81.13



FPD Performance Goal 3
Ensure adequate medical services are provided in the most economical manner.

Challenge: Rising Medical Costs

Ensuring appropriate medical care for detainees at or near detention facilities is an important facet of confinement conditions. Providing a uniform approach to these services at the best value to the Government, while minimizing the cumbersome process for field operations, is a challenge.

Strategy: National Managed Care Contract

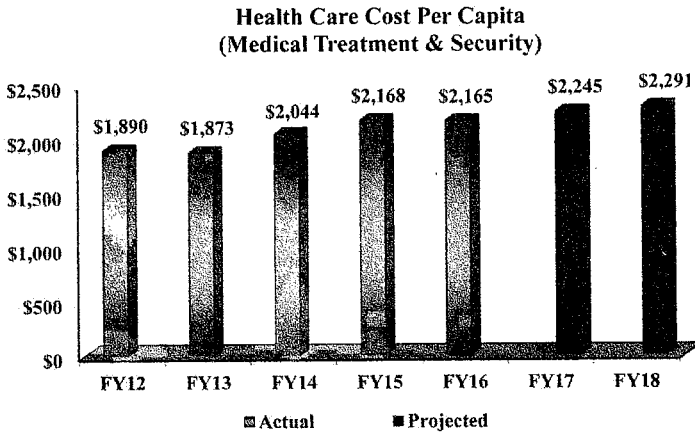
The USMS manages a National Managed Care Contract (NMCC) that establishes a national health care delivery system for USMS prisoners. The contract ensures that the USMS acquisition of medical services complies with federal procurement statutes and regulations, and that USMS prisoner medical claims are re-priced to Medicare rates in accordance with the provisions of 18 U.S.C. 4006. The NMCC has also reduced the district administrative workload related to prisoner medical issues, because the NMCC contractor processes and pays all contract-related prisoner medical bills on behalf of the districts. Finally, the NMCC includes a national discount pharmacy program that allows the USMS to receive discounts on medications that it purchases for prisoner care. The NMCC has been fully implemented in all USMS districts.

Performance Plan and Report:

Measure: Health Care Cost Per Capita (Medical Treatment and Security)

FY 2016 Target: \$2,020

FY 2016 Actual: \$2,165



FPD Performance Goal 4
Ensure detention facilities meet established standards for confinement.

Challenge: Varying Detention Standards

Concurrent with the desire to create efficiencies within detention, the USMS needs to ensure facilities provide for the safe, secure, and humane confinement of detainees. These competing imperatives are especially challenging given FPD’s reliance on a large number of state, local, and private facilities. Confinement standards at these facilities vary according to local and state requirements. To address this issue, the USMS developed a comprehensive Quality Assurance Program to ensure that facilities providing detention bed space to the federal government meet confinement standards.

Strategy: Continuation of the Comprehensive Quality Assurance Program

The Quality Assurance Program is a multi-faceted approach to ensure the safe, secure, and humane confinement of detainees and address public safety concerns relating to violent prisoners (e.g., *Interstate Transportation of Dangerous Criminals Act*, also known as *Jenna's Act*). The Federal Performance-Based Detention Standards (FPBDS) provide the foundation for the program, while various program components ensure compliance with standards by covering all aspects of detention from construction to operational review and training.

- Performance-Based Contracts:** To define acceptable conditions of confinement, FPBDS was created in cooperation and coordination with the BOP, USMS, and ICE. The FPBDS provides objective standards to ensure that all providers achieve and maintain the standards. Federal contracts are written or modified to reflect the FPBDS for all private contract facilities. To ensure compliance with the standards, private contractor performance evaluation and, consequently, compensation are based on the facility's ability to demonstrate alignment with the standards.
- Quality Assurance Reviews (QARs):** The QAR program conducts on-site reviews for Targeted Non-Federal Facilities, which are private facilities and select IGA facilities. If a contract review identifies facility deficiencies in the delivery of services, the facility develops a corrective action plan developed by the facility which the USMS monitors until the deficiencies are resolved. USMS implementation of QARs has led to a quantifiable improvement in detention services quality; in particular, the reduction in repeat deficiencies is notable. Cumulatively, these improvements resulted in higher ratings and services.

The table below captures the categories of QARs and relative performance goals. All actively used IGA facilities receive an annual review utilizing the Detention Investigative Facility Report.

Outcome Measure: Percentage of Targeted Non-Federal Facilities Meeting Minimum Standards									
Facility		FY 2012	FY 2013	FY 2014	FY 2015	FY 2016		FY 2017	FY 2018
Type	Size (ADP)	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Goal: 100% Meet Minimum Standards									
Private	N/A	100%	100%	100%	100%	100%	100%	100%	100%
		14	14	15	15	18	18	18	18
IGA	Large	100	100%	N/A	N/A	N/A	N/A	N/A	N/A
	> 480	9	9	N/A	N/A	N/A	N/A	N/A	N/A
Subtotal		100%	100%	100%	100%	100%	100%	100%	100%
		23	23	15	15	18	18	18	18

- ***Private Detention Facility Construction and Activation Monitoring:*** The USMS awarded a contract to monitor private detention facility construction and activation, to ensure newly-constructed facilities meet all aspects of the FPBDS in addition to local and state requirements.
- ***Joint Review Initiative (JRI):*** The USMS is coordinating with federal government detention stakeholders to develop the JRI for facility inspections. The JRI will facilitate joint reviews of shared USMS/ICE/BOP IGA facilities using a single federal baseline detention standard.

Performance Plan and Report:**Measure:** Number of Targeted Non-Federal Facilities Meeting Minimum Standards**FY 2016 Target:** 18**FY 2016 Actual:** 18

V. Program Increases by Item

Item Name: Population Increase – Immigration Enforcement

Budget Decision Unit(s): Detention Services

Organizational Program: Prisoner Operations

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$50,349,000

Description of Item

The USMS requests an increase of **\$50,349,000** for costs associated with prisoner detention and care, to fund additional bed space needed for an increased detention population.

Justification

The requested resources will provide housing and care for federal detainees remanded to USMS custody. As border security and immigration enforcement efforts expand, the USMS anticipates an increase in the detention population on the Southwest Border. The USMS expends resources for detention from the time a prisoner is brought into its custody through termination of the criminal proceeding and/or commitment to the BOP. The size of the detainee population is dependent upon the number of arrests by federal law enforcement agencies and the length of time defendants are detained pending adjudication, release, or subsequent transfer to the BOP following conviction and sentencing.

Starting in FY 2012, the USMS experienced an unprecedented decrease in the detention population. The USMS attributes this trend to the declining rate of arrests/bookings coupled with prisoners spending less time in detention. The USMS uses a Detention Population Forecasting Model to predict detention needs. In response to current trends, the USMS has lowered its population projections to reflect a slower rate of growth, and believes that the current projection provides the best estimate based on available information. The USMS cannot control the number of detainees who enter the system nor can it release detainees to stay within available funding; therefore, projections can deviate significantly within a short amount of time.

Impact on Performance

Based on projected ADP, the USMS requires additional resources to house all federal detainees. Without this increase, the USMS will be unable to house all federal detainees in custody. The performance measures currently reported reflect the costs associated with the projected population.

Funding**Base Funding**

FY 2016 Enacted				FY 2017 Continuing Resolution				FY 2018 Current Services			
Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)
19	0	15	\$1,454,414	19	0	19	\$1,451,815	19	0	19	\$1,485,651

Non-Personnel Increase

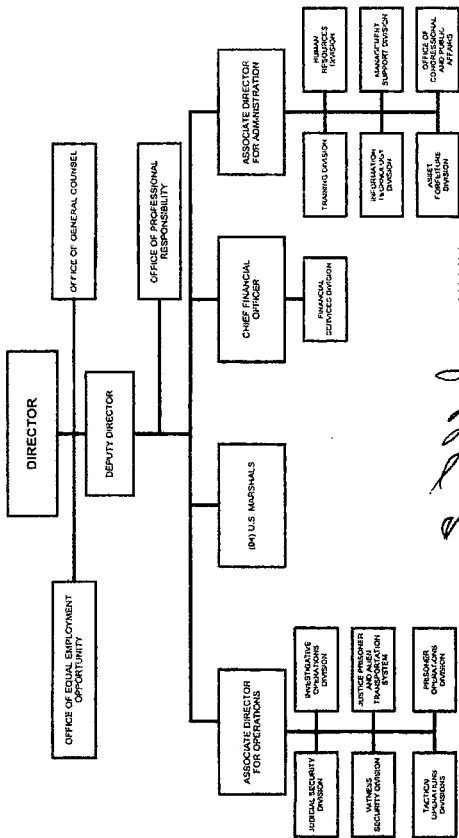
Non-Personnel Item	Unit Cost	Quantity	FY 2018 Request (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)
Housing of Detainees	N/A	N/A	\$50,349	\$0	\$0
Total Non-Personnel	N/A	N/A	\$50,349	\$0	\$0

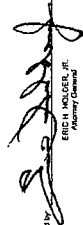
Total Request for this Item

Category	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)
Current Services	19	0	19	\$3,512	\$1,482,139	\$1,485,651	N/A	N/A
Increases	0	0	0	\$0	\$50,349	\$50,349	\$0	\$0
Total	19	0	19	\$3,512	\$1,532,488	\$1,536,000	\$0	\$0

A. Organizational Chart

UNITED STATES MARSHALS SERVICE



Approved by  Date 4/11/14
 ERIC H. HOLDER, JR.
 Attorney General

Summary of Requirements
 U.S. Marshals Service
 Federal Prisoner Detention
 (Dollars in Thousands)

B. Summary of Requirements

	FY 2018 Request		
	Positions	Estimated FTE	Amount
2016 Enacted 1/	19	15	1,454,414
2016 Balance Rescission	0	0	-195,974
Total 2016 Enacted with Rescissions 1/	19	15	1,258,440
2017 Continuing Resolution	19	19	1,454,414
2017 Balance Rescission	0	0	-87,215
2017 Rescission - 0.1901%	0	0	-2,589
Total 2017 Continuing Resolution	19	19	1,364,600
Technical Adjustments			
Restoration of Rescission - USMS FPD	0	0	87,215
Total Technical Adjustments	0	0	87,215
Base Adjustments			
Pay and Benefits	0	0	64
Prison and Detention	0	0	33,772
Total Base Adjustments	0	0	33,836
Total Technical and Base Adjustments	0	0	121,051
2018 Current Services	19	19	1,485,651
Program Changes			
Increases:			
Population Increase - Immigration Enforcement	0	0	50,349
Subtotal, Increases	0	0	50,349
Total Program Changes	0	0	50,349
2018 Total Request	19	19	1,536,000
2017-2018 Total Change	0	0	171,400

^{1/} FY 2016 FTE is actual

b. Summary of Requirements

Summary of Requirements
 U.S. Marshals Service
 Federal Prisoner Detention
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution			FY 2018 Technical and Base			FY 2018 Current Services			
	Positions	Actual FTE	Amount	Positions	Est FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Detention Services	19	15	1,454,414	19	19	1,451,815	0	0	33,836	19	19	1,485,651
Total Direct	19	15	1,454,414	19	19	1,451,815	0	0	33,836	19	19	1,485,651
Balance Rescission			-195,974			-87,215			87,215			0
Total Direct with Rescission			1,258,440			1,364,600			121,021			1,485,651
Reimbursable FTE	0				0			0			0	
Total Direct and Reimb. FTE	19	15			19			0			19	
Other FTE:												
LEAP	0				0			0			0	
Overtime	0				0			0			0	
Grand Total, FTE	19	15			19			0			19	

Program Activity	2018 Increases			2018 Offsets			2018 Request		
	Positions	Est. FTE	Amount	Positions	Est FTE	Amount	Positions	Est FTE	Amount
Detention Services	0	0	50,349	0	0	0	19	19	1,536,000
Total Direct	0	0	50,349	0	0	0	19	19	1,536,000
Balance Rescission			0			0			0
Total Direct with Rescission			50,349			0			1,536,000
Reimbursable FTE	0				0		19		
Total Direct and Reimb. FTE	0	0			0		19		
Other FTE:									
LEAP	0				0		0		0
Overtime	0				0		0		0
Grand Total, FTE	0	0			0		19		

C. Program Changes by Decision Unit

FY 2018 Program Increases/Offsets by Decision Unit

U.S. Marshals Service
Federal Prisoner Detention
(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Detention Services			Total Increases		
		Positions	Agt./Atty.	Est. FTE	Positions	Agt./Atty.	Est. FTE
Population Increase - Immigration Enforcement		0	0	0	0	0	0
Total Program Increases		0	0	0	0	0	0

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

U.S. Marshals Service
Federal Prisoner Detention
(Dollars in Thousands)

	Positions	Estimated FTE	Amount
Technical Adjustments			
1 <u>Restoration of Resission - USMS FPD</u> This request restores base resources for the FPD account to ensure that sufficient base resources are maintained.	0	0	87,215
Subtotal, Technical Adjustments			87,215
Pay and Benefits			
1 <u>2018 Pay Raise - 1.9%</u> This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount requested, \$30, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$22 for pay and \$8 for benefits.)	0	0	30
2 <u>Annualization of 2017 Pay Raise - 2.88%</u> This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88% included in the 2017 Appropriation. The amount requested represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$20 for pay and \$8 for benefits)	0	0	28
3 <u>Health Insurance</u> Effective January 2018, the component's contribution to Federal employees' health insurance increases by 3.2 percent. Applied against the 2017 estimate of \$84, the additional amount required is \$2.	0	0	2
4 <u>Retirement</u> Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on DOJ estimates, we project that the workforce will convert from CSRS to FERS at a rate of 0.8 percent per year for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase is necessary to meet our increased retirement obligations as a result of this conversion.	1	0	4
Subtotal, Pay and Benefits			64
Prison and Detention			
1 <u>Jail Day Increase - FPD</u> This request recosts the estimated 2017 state and local jail days using the anticipated 2018 increase in the national jail day rate average. The requested increase reflects the additional resources required to fund the same number of jail days in 2018 as in 2017. Jail day costs are projected to rise from the current anticipated 2017 level.	0	0	33,772
Subtotal, Prison and Detention			33,772
TOTAL DIRECT TECHNICAL AND BASE ADJUSTMENTS			121,061

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability

U.S. Marshals Service
Federal Prisoner Detention
(Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming / Transfers			Carryover		Recoveries / Refunds			FY 2016 Availability		
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Amount	Positions	Actual FTE	Amount	Positions	Actual FTE
Detention Services	19	15	1,454,414	0	0	61,200	184,669	22,197	19	15	1,722,480	19	15	1,722,480
Total Direct	19	15	1,454,414	0	0	61,200	184,669	22,197	19	15	1,722,480	19	15	1,722,480
Balance Rescission			-195,974			0	0	0			-195,974			-195,974
Total Direct with Rescission			1,258,440			61,200	184,669	22,197			1,526,506			1,526,506
Reimbursable FTE			0			0								0
Total Direct and Reimb. FTE		15			0									15
Other FTE:														
LEAP FTE		0			0									0
Overtime		0			0									0
Grand Total, FTE		15			0									15

Reprogramming/Transfers:

Pursuant to Section 505 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2015 (Division B of P.L. 113-235), as adopted by the Continuing Appropriations Act, 2016 (P.L. 114-53), the Department provided notification on October 22, 2015 of the intent to use \$61,200,000 of the balances available in the Assets Forfeiture Fund (AFF) in FY 2016 for necessary expenses related to United States prisoners in the custody of the USMS.

Carryover:

FPD carried forward \$184,669,002 from funds provided in FY 2015.

Recoveries/Refunds:

Includes Recoveries from prior year obligations of \$22,197,048 to fund regular detention activities consistent with the manner in which it was originally appropriated. A total of \$202,211 collections from state and local for prisoner transport are also included.

Crosswalk of 2017 Availability
 U.S. Marshals Service
 Federal Prisoner Detention
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution		Reprogramming / Transfers			Carryover		FY 2017 Availability		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	
Detention Services	19	19	1,451,815	0	0	87,215	19	19	1,562,680	
Total Direct	19	19	1,451,815	0	0	87,215	19	19	1,562,680	
Balance Rescission			-87,215			0			-87,215	
Total Direct with Rescission			1,364,600			87,215			1,475,465	
Reimbursable FTE		0			0				0	
Total Direct and Reimb. FTE		19			0				19	
Other FTE:										
LEAP FTE		0			0				0	
Overtime		0			0				0	
Grand Total, FTE		19			0				19	

Carryover:

FPD carried forward \$87,215,360 from funds provided in FY 2016.

Recoveries/Refunds:

Recoveries from prior year obligations are estimated at approximately \$23,650,000. Funding will be used for regular detention activities consistent with the manner in which it was originally appropriated. A total of \$650,000 collections from state and local for prisoner transport is also included.

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources

U.S. Marshals Service
 Federal Prisoner Detention
 (Dollars in Thousands)

Collections by Source	2016 Actual			2017 Estimate			2018 Request			Increase / Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
States and Other	0	0	202	0	0	650	0	0	650	0	0	0
Budgetary Resources	0	0	202	0	0	650	0	0	650	0	0	0

Obligations by Program Activity	2016 Actual			2017 Estimate			2018 Request			Increase / Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Detention Services	0	0	202	0	0	650	0	0	650	0	0	0
Budgetary Resources	0	0	202	0	0	650	0	0	650	0	0	0

Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

U.S. Marshals Service
Federal Prisoner Detention
(Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution		FY 2018 Request				
	Direct Positions	Reimb. Positions	Direct Positions	Reimb. Positions	ATBs	Program Increases	Program Offsets	Total Direct Positions	Total Reimb. Positions
Clerical and Office Services (0300-0399)	12	0	11	0	0	0	0	11	0
Accounting and Budget (500-599)	1	0	1	0	0	0	0	1	0
Business & Industry (1100-1199)	6	0	7	0	0	0	0	7	0
Total	19	0	19	0	0	0	0	19	0
Headquarters Washington D.C.	19	0	19	0	0	0	0	19	0
U.S. Field	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	19	0	19	0	0	0	0	19	0

J. Financial Analysis of Program Changes

Financial Analysis of Program Changes

U.S. Marshals Service
 Federal Prisoner Detention
 (Dollars in Thousands)

Grades	Detention Services				Total	
	Program Increases		Program Decreases		Program Changes	
	Positions	Amount	Positions	Amount	Positions	Amount
11.5 - Other personnel compensation		0		0		0
Total FTEs and Personnel Compensation	0	0	0	0	0	0
25.8 - Subsistence and support of persons		50,349				50,349
Total Program Change Requests	0	50,349	0	0	0	50,349

k. Summary of Requirements by Object Class
Summary of Requirements by Object Class
 U.S. Marshals Service
 Federal Prisoner Detention
 (Dollars in Thousands)

Object Class	FY 2016 Actual		FY 2017 Continuing Resolution		FY 2018 Request		Increase / Decrease	
	Actual FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	15	1,721	19	1,689	19	1,876	0	187
11.3 - Other than full-time permanent	0	1	0	1	0	0	0	-1
11.5 - Other personnel compensation	0	332	0	207	0	0	0	-207
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	1,030	0	641	0	860	0	219
Total	15	3,084	19	2,538	19	2,736	0	198
Other Object Classes								
12.1 - Civilian personnel benefits		640		639		776	0	137
21.0 - Travel and transportation of persons		1,442		1,500		1,600	0	100
22.0 - Transportation of things		92		100		100	0	0
23.1 - Rental payments to GSA		467		300		300	0	0
23.2 - Rental payments to others		0		0		1	0	1
23.3 - Communications, utilities, and miscellaneous charges		162		170		150	0	-20
25.1 - Advisory and assistance services		4,522		4,775		6,448	0	1,673
25.2 - Other services from non-federal sources		9		10		500	0	490
25.3 - Other goods and services from federal sources		86,247		90,000		91,234	0	1,234
25.4 - Operation and maintenance of facilities		6,281		6,575		7,050	0	475
25.6 - Medical care		73,967		72,483		75,960	0	3,457
25.7 - Operation and maintenance of equipment		891		900		723	0	-177
25.8 - Subsistence and support of persons		1,260,231		1,182,892		1,347,475	0	164,583
26.0 - Supplies and materials		29		230		500	0	270
31.0 - Equipment		1,227		963		457	0	-506
32.0 - Land and structures		0		515		0	0	-515
Total Obligations		1,439,291		1,364,600		1,536,000	0	171,400
Net of:								
Unobligated Balance, Start-of-Year		-184,669		-87,215		-23,650	0	63,565
Transfers/Reprogramming		-81,200		0		0	0	0
Recoveries/Refunds		-22,197		-23,650		0	0	23,650
Balance Recession		195,974		87,215		0	0	-87,215
Unobligated End-of-Year, Available		87,215		23,650		23,650	0	0
Unobligated End-of-Year, Expiring		0		0		0	0	0
Total Direct Requirements		1,454,414		1,364,600		1,536,000	0	171,400
Reimbursable FTE	0		0		0		0	0
Full-Time Permanent	0		0		0		0	0

L. Status of Congressionally Requested Studies, Reports, and Evaluations

Status of Congressionally Requested Studies, Reports, and Evaluations

U.S. Marshals Service
Federal Prisoner Detention

1. The Senate Report associated with the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, 2017, page 83, directs the USMS to report to the Committee on a quarterly basis the current number of individuals in the detention system, the projected number of individuals, and the associated annualized costs.

Fees and Expenses of Witnesses

DEPARTMENT
OF JUSTICE

FY 2018 CONGRESSIONAL SUBMISSION



FY 2018 Congressional Submission
Fees and Expenses of Witnesses

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I. Overview for Fees and Expenses of Witnesses

For the Fees and Expenses of Witnesses (FEW) appropriation, the Department requests a total funding level of \$270,000,000 for FY 2018 to remain available until expended. The FEW is a mandatory appropriation. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

The Fees and Expenses of Witnesses activity provides funding for all fees and expenses associated with the provision of testimony on behalf of the Federal Government. Specifically, there are two types of witnesses that are compensated under the provisions of this activity. Fact witnesses testify as to events or facts about which they have personal knowledge. These witnesses are paid a statutorily established rate of \$40 per day plus reasonable amounts for travel and certain other costs associated with their appearance. Expert witnesses provide technical or scientific testimony and are compensated based on negotiations with the respective Federal Government attorney. Funding allocated to this activity is also used to pay the fees of physicians and psychiatrists who examine defendants upon order of the court to determine their fitness to stand trial.

The Emergency Witness Assistance Program allows the Government to aid witnesses who might not otherwise testify because of perceived threats surrounding the litigation. This program started in 1997 and is limited to a participation period not to exceed 30 days. The services provided include transportation needs, temporary housing, temporary subsistence, emergency telephone calls, and child/elder care.

The Protection of Witnesses activity provides funding for the security of government witnesses, or potential government witnesses, and their families when their testimony, concerning organized criminal activity, may jeopardize their personal security. Typical expenses include, but are not limited to: subsistence, housing, medical and dental care, travel, documentation, identity changes, one-time relocation, costs associated with obtaining employment, and other miscellaneous expenses. This activity also provides for construction and maintenance of strategically located safe site facilities to house protected witnesses before and during trial; the purchase and maintenance of armored vehicles; and the maintenance of a secured network.

The Victim Compensation Fund was established by Section 1208 of the Comprehensive Crime Control Act (Title II of P.L. 98-473). The Fund is used by the Attorney General to "pay restitution to, or in the case of death, compensation for the death of any victim of a crime that causes or threatens death or serious bodily injury and that is committed by any person during a period in which that person is provided protection under this chapter." In the case of death, an amount not to exceed \$50,000 may be paid to the victim's estate. Moreover, the act authorizes payment of an amount not to exceed \$25,000 to the estate of any individual whose death was caused by a protected witness before the enactment of this law.

The Private Counsel activity was established under 28 C.F.R. § 50.15 and 50.16, whereby, the Civil Division is authorized to retain private counsel to represent government officers and employees who are sued, charged, or subpoenaed for actions taken while performing their official duties. Further, funding allotted to this activity is used to pay private legal representation expenses associated with the provision of testimony before Congressional committees in

instances wherein government counsel is precluded from representing Federal Government employees or in instances wherein private counsel is otherwise appropriate.

The District of Columbia Superior Court Informant Program (SCIP) was established upon passage of the 1991 Dire Emergency Supplemental Appropriations Act. Unlike the Witness Security program, which provides permanent relocations and identity changes, the SCIP provides temporary relocation and limited protective services to witnesses who provide prosecution testimony in District of Columbia Superior Court cases.

The Alternative Dispute Resolution activity funds the expenses of hiring third party neutrals and witnesses in resolution proceedings.

The Foreign Counsel activity was established under 28 C.F.R. § 0.46, whereby, the Civil Division is authorized to cover all other civil litigation including claims by or against the United States, its agencies or officers, in domestic or foreign courts, special proceedings, and similar civil matters not otherwise assigned, and shall employ foreign counsel to represent before foreign criminal courts, commissions or administrative agencies of the Department of Justice and all other law enforcement officers of the United States who are charged with violations of foreign law as a result of acts which they performed in the course and scope of Government services.

II. Summary of Program Changes

No program changes.

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended, of which not to exceed \$16,000,000 is for construction of buildings for protected witness safesites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed [\$13,000,000] \$15,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: Provided, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

Analysis of Appropriations Language

No substantive changes proposed.

IV. Decision Unit Justification

A. Fees and Expenses of Witnesses

<i>Fees and Expenses of Witnesses</i>	Direct Pos.	Est. FTE	Amount
2016 Enacted w/Sequester			200,028
2017 Continuing Resolution w/Sequester			199,433
Adjustments to Base and Technical Adjustments			10,567
2018 Current Services			210,000
2018 Program Increases			0
2018 Request			210,000
Total Change 2017-2018			10,567

Program Description:

This program provides for payment of fees and expenses of expert witnesses who appear on behalf of the Federal Government when scientific or technical expertise is required in the prosecution or defense of a case. The pursuit of complex litigation by the Department would not be possible without qualified experts to testify and to refute the non-legal particulars of individual cases. The testimony of expert witnesses helps ensure the successful outcome of such litigation. While a wide array of specialized disciplines are involved in the Department's litigation, experts from certain disciplines are used extensively. For example, approximately seventy percent of expert witnesses used by the Department in 2016 were physicians, psychiatrists, appraisers, engineers, or economists. Courts often order the Federal Government to pay the costs associated with mental competency examinations conducted by physicians or psychiatrists. These examinations are performed in an attempt to determine whether an accused person is mentally competent to stand trial and/or was mentally competent at the time of the offense.

The Department's legal divisions and the United States Attorneys also rely on the testimony of fact witnesses in a wide range of court proceedings, as well as pre-trial conferences. Daily attendance fees and other expenses paid to fact witnesses are intended to defray the costs of appearing to testify. The attendance fee is set by law.

Planned Initiatives:

To provide adequate funding for payment of fees and related expenses incurred by individuals who provide factual, technical, or scientific testimony on behalf of the United States or court designated indigent individuals. Funds provided for this activity also guarantee the right of accused persons to a fair and impartial trial by ensuring that the accused is mentally competent to stand trial and that the court has testimony regarding the mental competency of the accused at the time of the alleged offense.

To provide reasonable compensation for expert witnesses, who testify on behalf of the United States, at rates established by the Attorney General or the Assistant Attorney General for Administration, pursuant to 28 U.S.C. § 524.

To provide adequate resources to compensate fact witnesses who testify on behalf of the Federal Government for the expenses associated with the attendance at legal proceedings. The court attendance fee paid to fact witnesses is set by law (28 U.S.C. § 1821). As a result of Public Law 96-346 (September 10, 1980), the amounts authorized for travel, per diem, and mileage are set by regulations governing official travel by federal employees and promulgated by the Administrator of the General Services Administration.

To provide adequate resources to compensate fact witnesses used by those defendants whom are designated as indigent by the courts. Expenses are paid to those witnesses who appear in criminal proceedings in Federal court for the indigent defendants.

To provide payment for the fees and expenses of psychiatrists who perform court-ordered evaluations to determine the mental competency of defendants, pursuant to 18 U.S.C. § 4241, § 4242, and § 4248.

B. Protection of Witnesses

<i>Protection of Witnesses</i>	Direct Pos.	Est FTE	Amount
2016 Enacted w/Sequester			40,692
2017 Continuing Resolution w/Sequester			40,571
Adjustments to Base and Technical Adjustments			4,429
2018 Current Services			45,000
2018 Program Increases			0
2018 Request			45,000
Total Change 2017-2018			4,429

Program Description:

The procedure for designating a person as a protected witness is set forth in Department of Justice OBD Order 2110.2 "Witness Protection and Maintenance Policy and Procedures." This order places within the United States Marshals Service the responsibility for the security of these witnesses and their families. This program provides for their financial maintenance, including the following: subsistence expenses, housing, medical and dental expenses, travel, documentation expenses for identity changes, one-time relocation expenses, costs for obtaining employment, and other miscellaneous expenses. This activity also provides for construction and maintenance of strategically located safe site facilities to house protected witnesses before and during trial. The Witness Protection Program also provides the funding for the protective services offered to the District of Columbia Superior Court Witnesses for subsistence expenses, travel, temporary relocation, and other miscellaneous expenses.

Planned Initiatives:

- To increase the effectiveness of the Department's efforts to combat criminal activity in such areas as organized crime, drugs or narcotics, and murder or

conspiracy to commit murder, by ensuring the safety of endangered or threatened witnesses.

To protect witnesses and their families when the testimony of the witnesses may jeopardize their personal security.

- To compensate witnesses for subsistence costs such as housing, food, relocation, and incidental expenses as provided by the Witnesses Security Reform Act of 1984.

To provide orientation, documentation, and family-oriented services to new witness security (WITSEC) Program entrants.

To increase the effectiveness of Federal prosecutions in the District of Columbia by providing funding to temporarily relocate District of Columbia Superior witnesses who face potential danger as a result of their participation in Superior Court prosecutions.

- To provide funding to temporarily protect Superior Court witnesses and their families when the testimony of the witnesses may jeopardize their personal security.
- To compensate Superior Court witnesses for subsistence costs such as food, temporary relocation, and other expenses incidental to their protection.

C. Victim Compensation Fund

<i>Victim Compensation Fund</i>	Direct Pos.	Est FTE	Amount
2016 Enacted w/Sequester			0
2017 Continuing Resolution w/Sequester			0
Adjustments to Base and Technical Adjustments			0
2018 Current Services			0
2018 Program Increases			0
2018 Request			0
Total Change 2017-2018			0

Program Description:

This program provides resources to compensate individuals who are victimized by protected witnesses. The Fund was initially funded by the 1985 Supplemental Appropriations Act (P.L. 99-88).

Restitution will not exceed \$50,000 for those victimized since the establishment of the Fund. Restitution not to exceed \$25,000 shall be paid to the estate of victims killed as a result of crimes committed by persons who have been enrolled in the Witness Security Program if such crimes were committed prior to enactment of P.L. 98-473. The Department paid \$22,500 from this program in FY 2006 and 2007, but has not provided funds since. No costs are anticipated for this program in FY 2017 and FY 2018.

Planned Initiative:

- To provide compensation to those individuals, or, in the case of death, to the individual's estate, who are victimized by a protected witness.

D. Private Counsel

<i>Private Counsel</i>	Direct Pos.	Est FTE	Amount
2016 Enacted w/Sequester			6,524
2017 Continuing Resolution w/Sequester			6,505
Adjustments to Base and Technical Adjustments			1,495
2018 Current Services			8,000
2018 Program Increases			0
2018 Request			8,000
Total Change 2017-2018			1,495

Program Description:

This activity provides funding to allow the Department to retain outside private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties. 28 C.F.R. § 50.15 and 50.16 delegates the Civil Division the authority to retain such counsel and further provides that payments for such services will be payable from FEW appropriations.

Planned Initiatives:

To continue to defend Federal employees personally sued for carrying out official duties.

To retain private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties.

E. Superior Court Informant Program

<i>Superior Court Informant Program</i>	Direct Pos.	Est FTE	Amount
2016 Enacted w/Sequester			0
2017 Continuing Resolution w/Sequester			0
Adjustments to Base and Technical Adjustments			0
2018 Current Services			0
2018 Program Increases			0
2018 Request			0
Total Change 2017-2018			0

Program Description:

This program provides for funding for the protective services offered to the District of Columbia Superior Court witnesses. Specifically, funding is provided for subsistence expenses, travel, temporary relocation, and other miscellaneous expenses. All participants have already converted to the Witness Security Program (WSP). No one has entered this short term program since 2004. Due to the lack of activity in this program, previously available funding has been moved into the allotment for Protection of Witnesses where SCIP funding originated.

F. Alternative Dispute Resolution

<i>Alternative Dispute Resolution</i>	Direct Pos.	Est FTE	Amount
2016 Enacted w/Sequester			1,212
2017 Continuing Resolution w/Sequester			1,208
Adjustments to Base and Technical Adjustments			792
2018 Current Services			2,000
2018 Program Increases			0
2018 Request			2,000
Total Change 2017-2018			792

Program Description:

Alternative Dispute Resolution (ADR) encompasses a wide range of problem solving and conflict management techniques including mediation, early neutral evaluation, arbitration, and mini-trials. ADR processes offer the opportunity to settle pending civil litigation in ways that can be more efficient than unassisted negotiations, and on terms that can be more advantageous to the parties. According to the National Performance Review, ADR can enhance the public's access to justice by reducing delays and costs associated with government litigation. ADR can provide quick solutions in government disputes, which, in turn, produce savings in interest payments on outstanding debts that the government owes on cases in litigation. ADR can provide flexibility, creativity, and control that lawyers and clients do not have in litigation. Moreover, ADR often produces better, more comprehensive long-term solutions to problems.

Planned Initiatives:

- To attempt resolution of civil disputes and litigation by using professional services of a mediator, arbitrator, or other alternative dispute resolution provider.
- To provide funding to pay the Government's share of the costs incurred during ADR proceedings.

G. Foreign Counsel

<i>Foreign Counsel</i>	Direct Pos.	Est FTE	Amount
2016 Enacted w/Sequester			3,184
2017 Continuing Resolution w/Sequester			3,175
Adjustments to Base and Technical Adjustments			1,825
2018 Current Services			5,000
2018 Program Increases			0
2018 Request			5,000
Total Change 2017-2018			1,825

Program Description:

This activity provides funding to allow the Department to retain outside foreign counsel to represent Government officers and employees who are sued in a foreign country while performing their official duties. 28 C.F.R. § 0.46 delegates the Civil Division the authority to retain such counsel and further provides that payment for such services will be payable from FEW appropriations.

Planned Initiatives:

- To continue to defend Federal employees personally sued for carrying out official duties.
- To retain foreign counsel to represent Government officers and employees who are sued for actions taken while performing their official duties in a foreign country.

B. Summary of Requirements
Summary of Requirements
Fees and Expenses of Witnesses
Salaries and Expenses
 (Dollars in Thousands)

	FY 2018 Request		Amount
	Positions	Estimate FTE	
2016 Enacted 1/	0	0	270,000
2016 Sequester Cut	0	0	-18,360
Total 2016 Enacted with Rescissions 1/	0	0	251,640
2017 Continuing Resolution	0	0	270,000
2017 Rescission - 0.1901%	0	0	-478
2017 Sequester Cut	0	0	-18,630
Total 2017 Continuing Resolution	0	0	250,892
Technical Adjustments			
Restoration of 2017 Sequester	0	0	18,630
Restoration of Rescission	0	0	478
Total Technical Adjustments	0	0	19,108
Base Adjustments			
Total Technical and Base Adjustments	0	0	19,108
2018 Current Services	0	0	270,000
2018 Total Request	0	0	270,000
2017 - 2018 Total Change	0	0	19,108

^{1/} FY 2016 FTE is actual

B. Summary of Requirements
Summary of Requirements
Fees and Expenses of Witnesses
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted w/ Sequester		FY 2017 Continuing Resolution w/ Sequester		FY 2018 Technical and Base Adjustments		FY 2018 Current Services	
	Positions	Actual FTE	Positions	Est. FTE	Positions	Est. FTE	Positions	Est. FTE
Protection of Witnesses	0	0	0	0	0	0	0	0
Fees and Expenses of Witnesses	0	0	40,692	0	40,571	0	4,429	0
			200,028	0	199,433	0	10,367	0
Private Counsel	0	0	6,524	0	6,605	0	1,495	0
Foreign Counsel	0	0	3,194	0	3,175	0	1,825	0
Alternative Dispute Resolution	0	0	1,212	0	1,208	0	792	0
Total Direct	0	0	251,640	0	250,892	0	19,108	0
Balance Rescission			0	0	0	0	0	0
Total Direct with Rescission			251,640	0	250,892	0	19,108	270,000
Reimbursable FTE	0	0	0	0	0	0	0	0
Total Direct and Reimb. FTE	0	0	0	0	0	0	0	0
Other FTE:								
LEAP	0	0	0	0	0	0	0	0
Overtime	0	0	0	0	0	0	0	0
Grand Total, FTE	0	0	0	0	0	0	0	0

Program Activity	2016 Increases		2018 Offsets		2018 Request	
	Positions	Est. FTE	Positions	Est. FTE	Positions	Est. FTE
Protection of Witnesses	0	0	0	0	0	0
Fees and Expenses of Witnesses	0	0	0	0	0	0
Private Counsel	0	0	0	0	0	0
Foreign Counsel	0	0	0	0	0	0
Alternative Dispute Resolution	0	0	0	0	0	0
Total Direct	0	0	0	0	0	0
Balance Rescission						
Total Direct with Rescission	0	0	0	0	0	0
Reimbursable FTE	0	0	0	0	0	0
Total Direct and Reimb. FTE	0	0	0	0	0	0
Other FTE:						
LEAP	0	0	0	0	0	0
Overtime	0	0	0	0	0	0
Grand Total, FTE	0	0	0	0	0	0

Justifications for Technical and Base Adjustments

Fees and Expenses of Witnesses
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate	Amount
Technical Adjustments		FTE	
1 Restoration of 2017 Sequester	0	0	18,630
2 Restoration of Rescission	0	0	478
Subtotal, Technical Adjustments			19,108
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS			0
			19,108

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability
 Fees and Expenses of Witnesses
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted w/ Sequester			Reprogramming/Transfers			Carryover		Recoveries/Refunds		FY 2016 Availability w/ Sequester		
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Recoveries/Refunds Amount	Positions	Actual FTE	Amount	
Protection of Witnesses	0	0	40,692	0	0	0	0	36,001	14,311	0	0	91,004	
Fees and Expenses of Witnesses	0	0	200,028	0	0	0	0	178,969	70,347	0	0	447,344	
Private Counsel	0	0	6,524	0	0	0	0	5,772	2,294	0	0	14,590	
Foreign Counsel	0	0	3,184	0	0	0	0	2,818	1,120	0	0	7,122	
Alternative Dispute Resolution	0	0	1,212	0	0	0	0	1,071	426	0	0	2,709	
Total Direct	0	0	251,640	0	0	0	0	222,631	88,498	0	0	562,769	
Balance Rescission			0			0	0		0			0	
Total Direct with Rescission			251,640			0	0	222,631	88,498			562,769	
Reimbursable FTE			0			0	0					0	
Total Direct and Reimb. FTE			0			0	0					0	
Other FTE:													
LEAP FTE													
Overtime													
Grand Total, FTE	0	0	0	0	0	0	0	0	0	0	0	0	

Reprogramming/Transfers:

No reprogrammings or transfers occurred in FY 2016.

Carryover:

FY 2016 had carryover of \$222.6 million in unobligated balances.

Recoveries/Refunds:

FY 2016 recoveries were \$88.5 million.

G. Crosswalk of 2017 Availability

Crosswalk of 2017 Availability
Fees and Expenses of Witnesses
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution		Reprogramming/Transfers		Carryover		Recoveries/Refunds		FY 2017 Availability w/ Sequester		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Amount	Amount	Positions	Est. FTE	Amount
Protection of Witnesses Fees and Expenses of Witnesses	0	0	40,571	0	0	0	37,129		0	0	77,700
	0	0	195,433	0	0	0	182,512		0	0	381,945
Private Counsel	0	0	5,505	0	0	0	5,953		0	0	12,458
Foreign Counsel	0	0	3,175	0	0	0	2,906		0	0	6,081
Alternative Dispute Resolution	0	0	1,208	0	0	0	1,105		0	0	2,314
Total Direct	0	0	250,892	0	0	0	229,606	0	0	0	480,498
Balance Rescission			0			0	0	0			0
Total Direct with Rescission			250,892			0	229,606	0			480,498
Reimbursable FTE	0	0		0	0				0	0	
Total Direct and Reimb. FTE	0	0		0	0				0	0	
Other FTE:											
LEAP FTE	0	0		0	0				0	0	
Overtime	0	0		0	0				0	0	
Grand Total, FTE	0	0		0	0				0	0	

Reprogramming/Transfers:

No reprogrammings or transfers are expected in FY 2017.

Carryover:

FY 2017 had carryover of \$229.6 million in unobligated balances.

Recoveries/Refunds:

There are no estimated recoveries in FY 2017.

K. Summary of Requirements by Object Class
Summary of Requirements by Object Class
 Fees and Expenses of Witnesses
 Salaries and Expenses
 (Dollars in Thousands)

Object Class	FY 2016 Actual		FY 2017 Continuing Resolution		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Resolution		Direct FTE	Amount	Direct FTE	Amount
			Direct FTE	Amount				
11.1 - Full-time permanent	0	0	0	0	0	0	0	0
11.3 - Other than full-time permanent	0	0	0	0	0	0	0	0
11.5 - Other personnel compensation	0	253,086	0	258,280	0	205,104	0	-53,175
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	59,333	0	60,550	0	48,084	0	-12,465
Total	0	312,419	0	318,830	0	253,188	0	-65,641
Other Object Classes								
21.0 - Travel and transportation of persons		7,518		7,672		6,093		-1,580
22.0 - Transportation of things		8		9		7		-2
25.1 - Advisory and assistance services		1,139		1,162		923		-239
25.2 - Other services from non-federal sources		2		2		2		-1
25.3 - Other goods and services from federal sources		4,592		4,687		3,722		-865
25.6 - Medical care		19		20		16		-4
25.8 - Subsistence and support of persons		7,422		7,574		6,015		-1,559
26.0 - Supplies and materials		22		22		17		-5
31.0 - Equipment		22		22		17		-5
Total Obligations		333,163		340,000		270,000		-70,000
Net of:								
Unobligated Balance, Start-of-Year								
Transfers/Reprogramming		-222,831		-229,606		-140,498		89,108
Recoveries/Refunds		0		0		0		0
Appropriation Rescission		-88,488		0		0		0
Unobligated End-of-Year, Available		18,360		19,108		0		-19,108
Unobligated End-of-Year, Expiring		229,606		140,498		140,498		0
Total Direct Requirements		270,000		270,000		270,000		0
Reimbursable FTE								
Full-Time Permanent	0		0		0		0	

United States Department of Justice



Community Relations Service

FY 2018 Performance Budget

Congressional Submission

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I. Overview for Community Relations Service

FY 2018 Budget Request

In Fiscal Year (FY) 2018, the Community Relations Service (CRS) requests **54 positions (including 2 attorneys), 54 FTE, and \$14,419,000**. CRS' request includes adjustments to base which will allow it to continue to provide conciliation services (mediation, facilitated dialogue, training, and consultation) in a broad range of communities throughout the United States. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded online: <http://www.justice.gov/02organizations/bpp.htm>.

The Community Relations Service (CRS), an agency within the U.S. Department of Justice, was established by Title X of the historic Civil Rights Act of 1964 (42 U.S.C. §2000g et seq.) and signed into law by President Lyndon B. Johnson on July 2, 1964. In addition, pursuant to the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act enacted in 2009, CRS is authorized to work with communities to help them develop the capacity to prevent and respond more effectively to violent hate crimes allegedly committed on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability.

Program Overview

CRS is known as the Department's "peacemaker," CRS assists government officials, law enforcement officers, community leaders and others in resolving and preventing community-based conflicts and civil disorder around issues of race, color and national origin. CRS also works to prevent and respond to alleged violent hate crimes on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability.

CRS is the only Federal component dedicated to assisting state and local units of government, community and faith-based organizations, and community groups to develop local capacity to prevent community conflict and tensions stemming from alleged discrimination based on race, color and national origin. Likewise, CRS is the only Federal component dedicated to decreasing community tensions stemming from alleged hate crimes on the basis of race, color, national origin, gender, gender identity, sexual orientation, religion, or disability, through the use of voluntary and confidential conflict resolution processes. CRS' services assist willing parties to develop and implement local strategies that can help law enforcement, local officials, community and faith-based organizations, civil rights organizations, and interested community groups respond to alleged hate crimes and find ways to prevent future incidents.

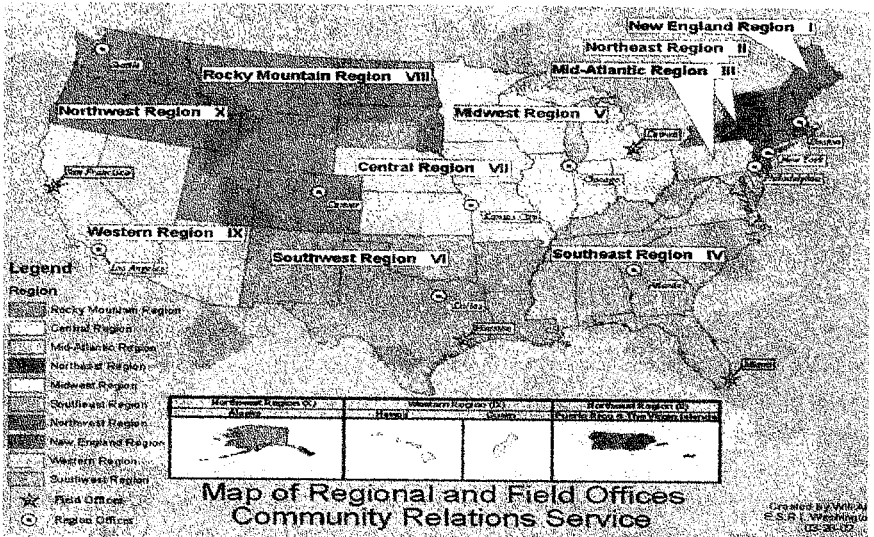
CRS provides four services to state, local and federal officials, and communities throughout the United States: 1) mediation, 2) facilitated dialogue, 3) training, and 4) consultation. By mandate,

CRS services are confidential, voluntary and impartial (42 U.S.C. §2000g). The services are described in detail below. State and local law enforcement officials and community leaders may request CRS services to improve communication between law enforcement and community members in the aftermath of a hate crime. CRS can provide facilitated dialogue between law enforcement and community members to increase mutual understanding about the investigative and prosecutorial process and increase public safety.

CRS services also address perceptions of discrimination, which can be as disruptive to community stability as actual discrimination. Specifically, CRS mediation and facilitated dialogue services provide a framework for parties to discuss perceptions of discrimination and issues impacting communities. These services also facilitate the development of partnerships and voluntary agreements to improve communication and trust, increase local capacity to prevent and respond to future conflicts, and improve public safety.

CRS does not have law enforcement authority, nor does it investigate or prosecute cases. As an impartial agency, CRS does not look to assign blame or fault to any individual or group. In contrast, CRS helps communities develop and implement their own solutions to reducing tensions. Furthermore, as alternatives to coercion or litigation, CRS facilitates the development of collaborative and voluntary solutions for resolution of community tension.

Community Relations Service Map of Regional Offices



CRS has 10 regional offices and 4 field offices in the following locations: Boston; New York; Philadelphia; Chicago (field office in Detroit); Kansas City, MO; Denver; Los Angeles (field office in San Francisco); Dallas (field office in Houston); Atlanta (field office in Miami); and Seattle. CRS headquarters is located in Washington, D.C.

Community Relations Service Programs and Services

The Community Relations Service staff work directly with community leaders, state and local officials, civil rights leaders, law enforcement agencies, and other stakeholders to support their efforts to resolve community conflicts stemming from issues of race, color, national origin and to prevent violent hate crimes committed on the bases of race, color, national origin, gender, gender identity, religion, and disability. As such, CRS' primary function is traveling to communities throughout the country and leading them through problem-solving processes. This is done through an array of services and dispute resolution practices that can generally be categorized as mediation, facilitated dialogue, training, and consultation.

Mediation- CRS mediation is a process where an impartial, and mutually acceptable, third-party facilitates dialogue and problem solving between stakeholders in conflict. The goal of mediation is to provide stakeholders with a framework to help them identify and analyze issues, clarify misunderstandings, establish trust, and develop voluntary agreements. Mediation is not used to determine which side is right or wrong. Rather, mediation is a voluntary and confidential structured process that is utilized in formal face-to-face negotiations between community

stakeholders and to facilitate stakeholder-generated, mutually-acceptable solutions. The issues and formal agreements in CRS mediation are as unique as each community engaged in the process. The issues vary from police-community relations, to tribal-border town conflict, to alleged disparate treatment in schools, to environmental justice issues. The formal agreements generally seek to improve communication and trust, develop partnerships, increase local capacity to prevent and respond to future conflicts, and improve public safety

Facilitated Dialogue- CRS facilitated dialogue is a process that is less formal than mediation and is used to open lines of communication between parties. However, like mediation, facilitated dialogue is also confidential and voluntary. Through facilitated dialogue or meetings, stakeholders in conflict are able to listen to all sides of an issue and learn about varying perspectives and potential solutions. Facilitated dialogue can vary in approach and structure, from large community dialogues, to small meetings between key stakeholders, to information sharing between parties facilitated by an impartial, and mutually acceptable, third-party. These dialogues often include various local agencies, institutions, and community members, and frequently address topics including police-community relations, alleged hate crimes, tribal conflicts, protests and demonstrations, and other issues. In most cases, facilitated dialogue is designed to assist stakeholders in identifying issues and developing voluntary, informal agreements that will not only improve communication and trust and develop partnerships, but will also increase local capacity to prevent and respond to future conflicts and improve public safety.

Training- CRS training programs are designed to educate participants on topics such as Federal and state hate crimes laws, engaging American Muslims and American Sikhs, and building trust with transgender communities. CRS training programs offer national models for improving community relations, developing partnerships, and increasing public safety. Additionally, CRS programs are designed to convene broad audiences, including local government agencies, community leaders, faith-based organizations, and law enforcement to identify issues impacting community relations. These programs also increase local community capacities and assist parties in developing customized action plans and voluntary agreements that address the most urgent issues in their community.

Consultation- CRS consultation services include technical assistance and best practices. These best practices may include, but are not limited to, the formation of human relations commissions; best practices for engaging with different ethnic and religious communities, lesbian, gay, bisexual, and transgender organizations and individuals, and disability organizations; development of safety protocols, communication channels and contingency plans for large events; and referrals to federal or state agencies, organizations and community groups.

CRS' current programs and trainings include:

- **Strengthening Police and Community Partnerships Program:** The Strengthening Police and Community Partnerships program is a customizable suite of services, including a 90-minute interactive community engagement workshop and an 8-hour facilitated dialogue session for improving public safety through proactive problem solving and police-community collaborations. These services can be requested in the aftermath of a hate crime or where local law enforcement or communities would like assistance reducing civil rights related tensions. Additionally, the program assists law enforcement and community leaders in developing action plans that address the most urgent issues impacting the community. The program is designed to strengthen the capacity of law enforcement and community leadership to address future conflicts, as well as increasing the community's willingness to report violent crimes, including hate crimes, and cooperate in the investigation of those crimes.
- **Bias Incidents and Hate Crimes Forum:** The Bias Incidents and Hate Crimes Forum is a half-day program designed to provide law enforcement, business leaders, faith-based organizations and community leaders with knowledge and information related to the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA). Additionally, the program engages local law enforcement, district attorneys and federal law enforcement in facilitated discussions to educate local communities about state and local laws and procedures to combat and respond to bias incidents and hate crimes.
- **Engaging and Building Relations with American Muslims:** The Engaging and Building Relations with American Muslims program is a 4-hour training designed to educate law enforcement, first responders, government officials and community leaders about Muslim American communities. The program topics include: cultural understandings of Muslim Americans; issues impacting these communities, including hate crimes; and strategies to successfully engage with Muslim Americans. The program increases the capacity of law enforcement, first responders, government officials and community leaders to successfully create partnerships with American Muslims and respond to issues impacting these communities.
- **Engaging and Building Relations with American Sikhs:** The Engaging and Building Relations with American Sikhs program is a 4-hour training designed to educate law enforcement, first responders, government officials and community leaders about Sikh American communities. The program topics include: cultural understandings of Sikh Americans; issues impacting these communities, including hate crimes; and strategies to successfully engage with Sikh Americans. The program increases the capacity of law enforcement, first responders, government officials and community leaders to

successfully create partnerships with Sikh Americans and respond to issues impacting these communities.

- **Law Enforcement and Transgender Community Training:** The Law Enforcement and Transgender Community Training is a 4-hour program designed to educate law enforcement and first responders about Transgender communities. The program topics include: definitions related to the Transgender community; the impacts of hate crimes on these communities; and best practices for engagement, communication and problem solving. The program increases the capacity of law enforcement and first responders to successfully create partnerships with Transgender communities and respond to issues impacting these communities.
- **School-Student Problem Identification & Resolution of Issues Together (School-SPIRIT):** The School-SPIRIT is an 8-hour student-directed, problem-solving program designed to assist student leaders in identifying issues impacting their school. These issues may include violence, bullying and other school safety issues that are connected to civil rights-related concerns or perceptions. The program engages school administrators, teachers, school resource officers and parents to develop customized action plans and solutions that address the most urgent issues impacting their school community, while increasing the ability of student leaders to address future conflicts.

City-Problem Identification & Resolution of Issues Together (City-SPIRIT): The City-SPIRIT is an 8-hour, facilitated problem-solving program designed to convene leaders from local government agencies, community leaders, faith-based organizations, law enforcement, and others to identify issues impacting community relations that are connected to civil rights-related concerns or perceptions. Through the program, the parties develop customized action plans and voluntary agreements that address the most urgent issues in their community, while increasing the ability of community leaders to address future conflicts, improve partnerships, trust and public safety.

Performance Challenges

CRS is a small agency that addresses a range of conflicts that develop throughout the country. Responding to the jurisdictional related cases, especially the cases that gain national attention, can be challenging. It is not uncommon to have the majority of the field staff actively deployed to support communities at any given time. It would be almost impossible for CRS to assess and respond to all the potential cases of which the agency becomes aware, while also developing and training staff on new and emerging issues and approaches to leading communities through conflict resolution processes.

With the passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (P.L. 111-84, 2009) (Hate Crimes Protection Act), CRS expanded the scope of its mission. CRS transformed from an agency focused on addressing and preventing conflict and violence related to discrimination on the basis of race, color, and national origin to an agency that is also responsible for helping communities prevent and respond to violent hate crimes committed on the basis of actual or perceived gender, gender identity, sexual orientation, religion, and disability (in addition to race, color, and national origin).

CRS has more than 50 years of expert experience bringing law enforcement officials, advocacy groups, and individual community members to the table in a way that creates lasting racial stability and harmony and enables those communities to address future conflicts without outside assistance. In addition, working to address and prevent violent hate crime remains a critical component of the agency's work.

CRS continues to assess its daily operations based on requests for services, hate crime and other statistics, Administration priorities, national security needs, and budgetary constraints. All of these factors pose challenges that affect the success of CRS' external conciliation and mediation services.

Internal Challenges

The primary internal challenges facing CRS are: strategic use of resources, strategic use of technology, and strategic human capital planning.

Strategic use of resources. CRS continues to face internal challenges, as it must monitor the country for jurisdictional conflicts and attempt to prioritize and respond to each case. In FY 2016, CRS intervened in 447 cases based on conflicts caused by issues of race, color, and/or national origin. Many of these cases also involved assisting communities with preventing or responding to hate crimes committed on the basis of gender, gender identity, sexual orientation, religion, or disability. In total, CRS was made aware of 588 incidents and conflicts that could have potentially led to casework. However, the agency was only able to address 76 percent of the potential cases that it identified – and many incidents likely remained unidentified as CRS' field staff of less than 30 worked to identify and respond to conflicts throughout the 50 states and the U.S. territories.

Strategic use of technology. Regional conciliators attempt to assess every jurisdictional case that comes to their attention, but budgetary and geographical limitations affect deployment decisions. CRS will continue to focus its internal efforts on leveraging technology to enable virtual meetings and reduce travel costs, where possible. The agency will use technology to meet with remote stakeholders, as well as to ensure robust communication between CRS leadership and field staff.

Strategic human capital planning. Finally, CRS will take steps to ensure that the agency maintains a world-class workforce, including a cadre of highly-skilled, high performing, engaged mediators and conciliators who enable CRS to accomplish its mission efficiently and effectively. CRS will address its human capital needs through effective succession planning, professional development, and sustained high-quality training. High quality standards for leadership, in-service training, mediation certification, standardized measurable work plans, and employee engagement action plans will remain crucial to aspects of CRS' strategy to address internal and external challenges.

External Challenges

The primary external challenges facing CRS are: the increase in reported hate crime incidents, the increase in community interest in preventative services, and constancy of government turnover.

Increase in reported hate crime incidents. CRS will continue to respond to a wide range of conflicts, including those stemming from race, national origin, gender identity, religion, and tribal issues, which all remain present at high levels and are equally in need of CRS services. The 2015 Federal Bureau of Investigations (FBI) Hate Crime Statistics Report, the most recent hate crimes statistics available from the FBI, reflects the increase in demand for services that CRS is seeing in communities across the country. According to the FBI's Report, there was an increase in reported hate crime incidents from 5,479 in 2014 to 5,850 in 2015.

Increase in community interest in preventative services. Additionally, officials reach out to CRS from numerous cities that are interested in proactively engaging their communities in the type of collaborative problem solving processes that CRS facilitates before a major conflict arises. Yet, engaging preventatively before there is unrest while maintaining the capacity, with a small staff, to respond to and serve cities that are facing unrest is challenging.

Government turnover. Finally, CRS must constantly reintroduce its services to community and local government leaders due to newly-elected officials and a statutory mandate that prevents the Agency from publicizing the details of much of its work. Furthermore, many of the people and communities CRS can serve pursuant to the Hate Crimes Prevention Act are not familiar with CRS services because they did not fall under CRS jurisdiction before passage of the Act in 2009. For example, communities who may be targeted for violent hate crimes on the basis of gender, gender identity, sexual orientation, religion, or disability may not have worked with CRS in the past when its jurisdiction was focused on addressing racial tension.

Despite these challenges and the fluctuating nature of jurisdictional conflicts, CRS is not deterred from offering its services to communities in need. Through skillful conciliation and mediation, CRS' services can limit disruptions to community peace and stability. For any jurisdictional

conflict, CRS stands ready to offer its conflict resolution services to communities across the United States.

II. Summary of Program Changes

Not Applicable

III. Appropriations Language and Analysis of Appropriation Language

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, [\$14,446,000] \$14,419,000, Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section [505] ~~504~~ 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

There are no substantive changes proposed.

IV. Program Activity Justification

A. Community Relations Service

<i>Conflict Resolution & Violence Prevention Activities</i>	Direct Pos.	Estimate FTE	Amount
2016 Enacted	74	58	14,446,000
2017 Continuing Resolution	74	58	14,419,000
Adjustments to Base and Technical Adjustments	-20	-4	0
2018 Current Services	54	54	14,419,000
2018 Program Offsets	0	0	0
2018 Request	54	54	14,419,000
Total Change 2017-2018	-20	-4	0

I. Program Description

CRS has implemented several strategies to effectively address the issues of discriminatory practices based on race, color, or national origin, and work with communities to help prevent and respond to violent hate crimes on the basis of actual or perceived gender, gender identity, sexual orientation, religion, or disability. CRS conducts training with federal, state, and local law enforcement and community members to help improve law enforcement officials' interactions with community members.

CRS introduced and updated several management systems to more effectively address racial tension and violence in major cities. CRS intensified its emphasis on staff development and training of staff on the fundamental skills of conflict resolution. CRS holds staff training sessions to enhance and refresh contemporary conflict resolution strategies and mediation skills. CRS instituted an internal skills certification process for fundamental tools that are used in conflict resolution cases. The Agency continues to strengthen its emphasis on local capacity building by having conciliators focus on the implementation of collaborative partnerships and other mechanisms for strategically empowering and sustaining peaceful communities.

The services of CRS are tracked in a case management database system. Quality assurance is measured by a weekly headquarters review of every new case in the CRS system. Headquarters then provides operational feedback to all 10 Regional Directors on a weekly basis, and holds managers accountable for ensuring strict compliance with CRS' jurisdictional mandate. Regions are directed to hold bi-monthly staff meetings to review casework feedback. Conciliators have made significant qualitative and technical progress on casework.

Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Conflict Resolution & Violence Reduction Activities											
RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2016		FY 2018		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
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
		50	14,446	41	18,213	50	14,419	-4	0	54	14,419
TYPE		PERFORMANCE		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Request		FY 2018 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Performance Measure: Output		50	14,445	41	13,313	50	14,419	-4	0	54	14,419
Performance Measure: Output			35%		37.26		N/A		N/A		N/A
Performance Measure: Output			99%		95.75		99%				
Performance Measure: Output			75%		81.5		N/A		N/A		N/A
Performance Measure: Output			20		16.25		N/A		N/A		N/A
Performance Measure: Output			80%		82%		N/A		N/A		N/A
Performance Measure: Workload			N/A		N/A		236				
Performance Measure: Workload			N/A		N/A		178				
Performance Measure: Workload			N/A		N/A		52				
Performance Measure: Output			N/A		N/A		164				
Performance Measure: Output			N/A		N/A		80				
Performance Measure: Output			N/A		N/A		12				
Performance Measure: Output			N/A		N/A		444				
Performance Measure: Outcome			N/A		N/A		20				

PERFORMANCE MEASURE TABLE												
Decision Unit: Conflict Resolution & Violence Reduction Activities												
Performance Report and Performance Plan Targets		FY 2012	FY 2004	FY 2006	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016		FY 2017	FY 2018
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Tension Level Ratio (discontinued in FY17)	This measure was implemented in 2013				34.50%	58.75%	37%	35%		N/A	N/A
Performance Measure	Services Accepted Ratio (renamed in FY17 to Community Interest in CRS)	This measure was implemented in 2013				89.50%	93.50%	92%	99%		N/A	This measure will be discontinued in FY18
Performance Measure	Response Ratio (discontinued in FY17)	This measure was implemented in 2013				78.25%	100%	100%	75%		N/A	N/A
Performance Measure	Awareness Level (discontinued in FY17)	This measure was implemented in 2013				19	28.25	28	20		N/A	N/A
Performance Measure	Customer Satisfaction Survey (discontinued in FY17)	This measure was implemented in 2014					86%	92%	80%		N/A	N/A
Performance Measure: Workload	Cases jurisdictional under the 1964 Civil Rights Act	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	236	
Performance Measure: Workload	Cases jurisdictional under the Hate Crimes Prevention Act of 2009	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	176	
Performance Measure: Workload	Alerts closed to resource constraints	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	52	
Performance Measure: Output	CRS Outreach	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	164	
Performance Measure: Output	CRS Trainings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	68	
Performance Measure: Output	CRS Mediations	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12	
Performance Measure: Output	CRS Facilitated Dialogues & Consulting	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	444	
Performance Measure: Outcome	Community Agreements	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20	

2. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

The Conflict Resolution and Violence Prevention Activities program contributes to prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.

Each region, composed of two to four Conciliators and one Regional Director, provides conflict resolution services to resolve disputes and disagreements based on race, color, and national origin in order to reduce community tension. CRS conducts, conflict assessments in collaboration with community, state, and local officials, to identify communities that require immediate attention and demonstrate the greatest need for inclusion in a work plan for resolving community conflict or violence. Annually, the work plan addresses those communities within each region that require conflict resolution services on an annual basis. A significant portion of the region's workload is direct crisis response services. Working to develop relationships with stakeholders and other influencers, and helping them to develop their local capacity to prevent and respond to tensions and conflicts, accounts for another significant portion of the work conducted by regional staff. CRS also prevents and responds to alleged hate crimes committed on the basis of gender, gender identity, sexual orientation, religion, or disability, in addition to race, color, and national origin.

In FY17, CRS developed new performance measures to more accurately capture CRS' impact on communities in conflict. During FY17, CRS is using baseline targets and will adjust FY18 targets based on FY17 actuals. CRS' new measures include workload, output, and outcome measures to not only provide a better picture of CRS caseload, but also the results from CRS services.

b. Strategies to Accomplish Outcomes

CRS focuses on bringing leaders from parties on opposite sides of a conflict together to begin the problem-solving process. This is done through the provision of conciliation services that can generally be categorized as including mediation, facilitated dialogue, training, and consultation services. CRS' goal is always to assist and resolve racial conflict and to help communities develop the ability to more effectively prevent and respond to alleged violent hate crimes on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability.

Given that it can be challenging to get parties talking, CRS often relies on trainings as a starting point. Over the years, CRS has found that getting parties in conflict to

receive training related to the issues stemming from the conflict is easier than getting parties to begin with dialogue. As a result, all CRS trainings include all of the parties in conflict and serve as a venue to start or build upon the broader problem-solving process. These strategies are specifically designed to assist states, local communities, and tribal governments in resolving violence and conflict. CRS works collaboratively with four major customer groups: (1) investigative and law enforcement agencies; (2) state, local and tribal governments, and federal agencies, including U.S. Attorneys, the FBI, other components of the Department of Justice, the Department of Housing and Urban Development, the Department of the Interior, the Department of Homeland Security, and the Department of Education; (3) schools, colleges, and universities; and (4) community groups and other organizations.

CRS develops strategies that focus on bringing together the energy of community leaders, organizations, and citizens to work towards preventing crime and providing safe neighborhoods and communities for all Americans through cooperation and coordination with other Department of Justice components. CRS does not investigate or prosecute. Rather, CRS provides comprehensive services that empower communities to help themselves and maximize the federal investment at the local level through capacity building. It does so in confidence and with impartiality. By facilitating dialogue, mediating agreements, providing technical assistance and increasing cultural understanding, CRS conducts services in response to conflicts or incidents that, left unaddressed, may escalate to violent hate crimes.

To serve all of CRS' jurisdictional areas, CRS must continue to monitor hate crimes, conduct outreach work, and provide services. Given the continuing technology revolution and the need to serve youth, CRS continues to utilize different technology platforms to meet its mandate. CRS also continues to utilize and develop innovative conflict resolution approaches to meet the changing needs of the communities we serve.

In order to fulfill the strategic goals of the Agency, the CRS management team will continue to stress contemporary mediation skills development, conflict resolution tools, education, programs, outreach, technical assistance, accountability, adherence to performance work plans, and affirmation of a merit award system for outstanding work. CRS' success can be evaluated on how well its services assist communities in need, contributing to the Department's Conflict Resolution and Violence Prevention Activities. In addition, CRS is gauged on its success in keeping the peace in cities throughout the country when events occur that have the potential to escalate into major riots or violence. CRS continues to evaluate new methods for measuring the Agency's success, always aiming to improve upon its service delivery to American communities.

V. Program Increases by Item

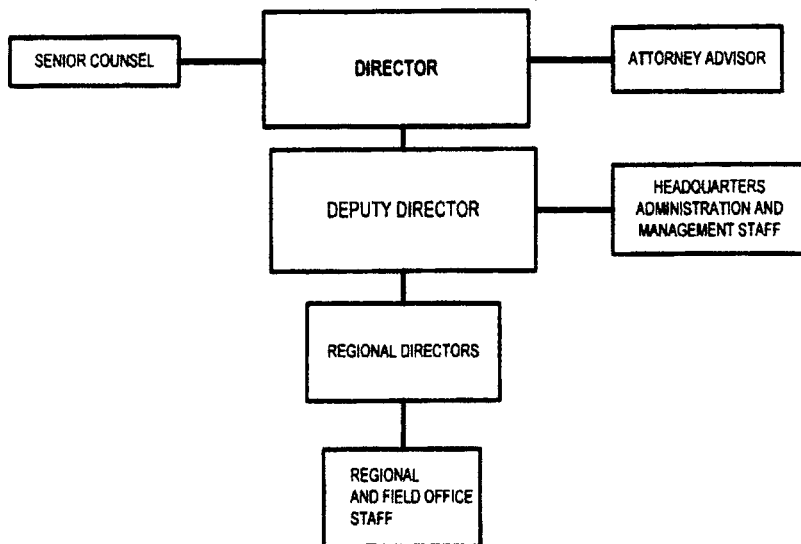
Not Applicable


VI. Program Offsets by Item

Not Applicable

A: Organizational Chart

COMMUNITY RELATIONS SERVICE



Approved by  Date 5/16/13
ERIC H. HOLDER, JR.
Attorney General

B. Summary of Requirements

Summary of Requirements
 Community Relations Service
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2018 Request		
	Positions	Estimate FTE	Amount
2016 Enacted 1/	74	43	14,446
Total 2016 Enacted	74	43	14,446
2017 Continuing Resolution	74	58	14,446
2017 Rescission - 0.1901%	0	0	-27
Total 2017 Continuing Resolution	74	58	14,419
Base Adjustments			
Pay and Benefits			
Domestic Rent and Facilities	-20	-4	-23
Total Base Adjustments	0	0	23
Total Technical and Base Adjustments	-20	-4	0
2018 Current Services	-20	-4	0
2018 Total Request	54	54	14,419
2017 - 2018 Total Change	54	54	14,419
	-20	-4	0

^{1/} FY 2016 FTE is actual

B. Summary of Requirements
Summary of Requirements
 Community Relations Service
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted		FY 2017 Continuing Resolution			FY 2018 Technical and Base			FY 2018 Current Services			
	Positions	Actual FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Conflict Resolution and Violence	74	58	14,446	74	58	14,419				54	54	14,419
Prevention - Program Operations												
Balance Rescission												
Total Direct with Rescission	74	58	14,446	74	58	14,419	-20	-4	0	54	54	14,419
Reimbursable FTE		0	14,446		0	14,419		0	0		0	14,419
Total Direct and Reimb. FTE		58			58			-4			54	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total FTE		58			58			-4			54	

Program Activity	2018 Increases			2018 Offsets			2018 Request		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Conflict Resolution and Violence	0	0	0	0	0	0	54	54	14,419
Prevention - Program Operations									
Balance Rescission									
Total Direct with Rescission	0	0	0	0	0	0	54	54	14,419
Reimbursable FTE		0			0			0	14,419
Total Direct and Reimb. FTE		0			0			0	
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total FTE		0			0			54	

C. Prof. Changes by Decision Unit
FY 2018 Program Increases/Offsets by Decision Unit
 Community Relations Service
 Salaries and Expenses
 (Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Conflict Resolution and Violence Prevention				Total Increases			
		Positions	Agmt./Atty	Est. FTE	Amount	Positions	Agmt./Atty	Est. FTE	Amount
No Program Increase									
Total Program Increases									
Program Offsets	Location of Description by Program Activity	Conflict Resolution and Violence Prevention				Total Offsets			
		Positions	Agmt./Atty	Est. FTE	Amount	Positions	Agmt./Atty	Est. FTE	Amount
No Program Offsets									
Total Program Offsets									

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Community Relations Service
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate	Amount
		FTE	
Pay and Benefits			
1 2018 Pay Raise - 1.9% 2018 Pay Raise-1.9%: This request provides for a proposed 1.9 percent pay raise to be effective in January of 2018. The amount request, \$130,000 represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$86,000 for pay and \$44,000 for benefits.)	0	0	130
2 Annualization of 2017 Pay Raise - 2.88% Annualization of 2017 Pay Raise -2.88%: This pay annualization represents first quarter amounts (October through December) of the 2017 pay increase of 2.88% included in the 2017 Appropriation. The amount requested \$52,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$34,320 for pay and \$17,680 for benefits).	0	0	52
3 Attrition and/or Administrative Savings To reform the federal government and reduce the federal civilian workforce as directed by OMB Memorandum M-17-22, Department components will identify savings through attrition and/or administrative adjustments.	0	0	-272
4 Employees Compensation Fund Employee Compensation Fund: The \$23,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.	0	0	23
5 Health Insurance Health Insurance Health Insurance: Effective January 2018, the component's contribution to Federal employees' health insurance increases by 7.7 percent. Applied against the 2017 estimate of \$575 the additional amount required is \$44,000.	0	0	44
6 Position Rightsizing Adjustment As directed by OMB Memorandum M-17-22, Department components will eliminate vacancies to reflect on-board levels.	-20	-4	0
Subtotal, Pay and Benefits	-20	-4	-23
Domestic Rent and Facilities			
1 Guard Service Guard Services: This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$23,000 is required to meet these commitments.	0	0	23
Subtotal, Domestic Rent and Facilities	0	0	23

Justifications for Technical and Base Adjustments

Community Relations Service
 Salaries and Expenses
 (Dollars in Thousands)

	Positions	Estimate	Amount
		FTE	
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-20	-4	0

F. Crosswalk of 2016 Availability

Crosswalk of 2016 Availability
 Community Relations Service
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2016 Enacted			Reprogramming/Transfers			Carryover			Recoveries/Refunds			FY 2016 Availability		
	Position \$	Actual FTE	Amount	Position \$	Actual FTE	Amount	Amount	Amount	Refunds Amount	Position \$	Actual FTE	Amount	Position \$	Actual FTE	Amount
Conflict Resolution and Violence	74	58	14,446	0	0	0	0	0	0	74	58	14,446			
Prevention - Program Operations															
Total Direct	74	58	14,446	0	0	0	0	0	0	74	58	14,446			
Balance Rescission			0												
Total Direct with Rescission			14,446												
Reimbursable FTE		0			0						0			0	
Total Direct and Reimb. FTE		58			0						58				
Other FTE															
LEAP FTE		0			0						0			0	
Overtime		0			0						0			0	
Grand Total, FTE		58			0						58			58	

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

G. Crk lk of 2017 Availability

Crosswalk of 2017 Availability
 Community Relations Service
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2017 Continuing Resolution		Reprogramming/Transfers		Carryover Amount	Recoveries/Refunds Amount	FY 2017 Availability	
	Position \$	Est. FTE	Position \$	Est. FTE			Position \$	Est. FTE
Conflict Resolution and Violence	74	58	14,419	0	0	0	74	58
Prevention - Program Operations								
Total Direct	74	58	14,419	0	0	0	74	58
Balance Rescission								
Total Direct with Rescission			0					
Reimbursable FTE		0	14,419					14,419
Total Direct and Reimb. FTE		58		0				58
Other FTE:								
LEAP FTE		0		0				0
Overtime		0		0				0
Grand Total FTE		58		0				58

Reprogramming/Transfers:

Carryover:

Recoveries/Refunds:

I Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Community Relations Service
Salaries and Expenses
(Dollars in Thousands)

Category	FY 2016 Enacted		FY 2017 Continuing Resolution			FY 2018 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.	
Clerical and Office Services (0300-0399)	67	0	67	0	0	0	0	0	67	0
Misc Admin & Prog (0301)	0	0	0	0	-20	0	0	0	-20	0
Accounting and Budget (500-599)	2	0	2	0	0	0	0	0	2	0
Attorneys (905)	2	0	2	0	0	0	0	0	2	0
Information Technology Mgmt (2210-2299)	3	0	3	0	0	0	0	0	3	0
Total	74	0	74	0	-20	0	0	0	54	0
Headquarters Washington D.C.	19	0	13	0	0	0	0	0	13	0
US Fields	55	0	61	0	-20	0	0	0	41	0
Foreign Field	0	0	0	0	0	0	0	0	0	0
Total	74	0	74	0	-20	0	0	0	54	0

J Finance
 Analysis of Program Changes
 Financial Analysis of Program Changes
 Grants and Expenses
 (Dollars in Thousands)

Grade	Total Program Change	
	Position	Amount
No grades	0	0
Total Positions and Annual Amount	0	0
LEPPEL-1		
11.5 - Other Personnel Compensation	0	0
Total FTE and Personnel Compensation	0	0
No BSC	0	0
Total Program Change Request	0	0

K. Summary of Requirements by Object Class
Summary of Requirements by Object Class
 Community Relations Service
 Salaries and Expenses
 (Dollars in Thousands)

Object Class	FY 2016 Actual		FY 2017 Continuing		FY 2018 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
	Resolution		Resolution		Resolution		Resolution	
11.1 - Full-time permanent	43	4,522	58	5,547	54	5,547	-4	0
11.3 - Other than full-time permanent	0	378	0	157	0	157	0	0
11.5 - Other personnel compensation	0	119	0	49	0	49	0	0
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	0	0	0	0	0	0	0
Total	43	5,019	58	5,753	54	5,753	-4	0
Other Object Classes								
12.1 - Civilian personnel benefits		1,717		1,883		1,883		0
21.0 - Travel and transportation of persons		574		1,004		1,004		0
22.0 - Transportation of things		28		52		52		0
23.1 - Rental payments to GSA		1,605		1,639		1,639		0
23.2 - Rental payments to others		108		106		106		0
23.3 - Communications, utilities, and miscellaneous charges		306		390		390		0
24.0 - Printing and reproduction		1		2		2		0
25.1 - Advisory and assistance services		1,066		630		630		0
25.2 - Other services from non-federal sources		493		1,615		1,592		-23
25.3 - Other goods and services from federal sources		2,267		1,021		1,044		23
25.4 - Operation and maintenance of facilities		41		45		45		0
25.6 - Medical care		5		9		9		0
25.7 - Operation and maintenance of equipment		36		54		54		0
26.0 - Supplies and materials		84		71		71		0
31.0 - Equipment		442		145		145		0
42.0 - Insurance claims and indemnities		23		0		0		0
Total Obligations		13,813		14,419		14,419		0
Net of:								
Unobligated Balance, Start-of-Year		0		0		0		0
Transfers/Reprogramming		0		0		0		0
Recoveries/Refunds		0		0		0		0
Balance Rescission		0		0		0		0
Unobligated End-of-Year, Available		0		0		0		0
Unobligated End-of-Year, Expiring		633		0		0		0
Total Direct Requirements		14,446		14,419		14,419		0

