

**Congressional Submission
FY 2008 Performance Budget
United States Attorneys**



U.S. Department of Justice

Table of Contents

	Page No.
I. Overview	1
II. Summary of Program Changes	12
III. Appropriations Language and Analysis of Appropriations Language ...	13
IV. Decision Unit Justification	14
A. Criminal	14
1. Program Description	15
2. Performance, Resources, and Strategies	16
3. Performance Tables	20
4. Program Increases	22
A. Border and Immigration Prosecution Initiative	22
B. Gang Prosecution Initiative	28
C. Project Safe Childhood Initiative	32
B. Civil	39
1. Program Description	40
2. Performance, Resources, and Strategies	41
3. Performance Tables	43
C. Legal Education	45
1. Program Description	46
2. Performance, Resources, and Strategies	47
3. Performance Tables	49
V. Exhibits	
A. Organizational Chart	
B. Summary of Requirements	
C. Program Increases by Decision Unit	
D. Resources by DOJ Strategic Goal/Objective	
E. Justification for Base Adjustments	
F. Crosswalk of 2006 Availability	
G. Crosswalk of 2007 Availability	
H. Summary of Reimbursable Resources	
I. Detail of Permanent Positions by Category	
J. Financial Analysis of Program Changes/Offsets	
K. Summary of Requirements by Grade	
L. Summary of Requirements by Object Class	
M. Status of Congressionally Requested Studies, Reports, and Evaluations	

I. Overview for the United States Attorneys

A. General Overview

1. Introduction

The United States Attorneys' (USAs) mission supports two of the Department of Justice's strategic goals - (1) prevent terrorism and promote the nation's security, and (2) enforce federal laws and represent the rights and interests of the American people. The FY 2008 President's Budget Request totals \$1,747,822,000 and includes \$20,973,000 for new enhancements. The request provides for an additional 203 positions and 102 FTE. The enhancements include requests for Border and Immigration Prosecution, Gang Prosecution, and Project Safe Childhood. These initiatives are described in greater detail in the Criminal Decision Unit section of this budget. Beginning in FY 2007, electronic copies of the Department of Justice's congressional budget justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address:
<http://www.usdoj.gov/jmd/2008justification/>.

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." Before 1870, the U.S. Attorneys acted independently, but since then they have worked under the direction of the U.S. Department of Justice.

There are 93 USAs located throughout the United States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. The USAs 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 USAs report to the Attorney General, through the Deputy Attorney General. Each USA 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; the handling of criminal and civil appellate cases before United States Courts of Appeal; and the collection of civil and criminal debts owed the federal government which are administratively uncollectible.

USAs provide advice and counsel to the Attorney General and senior policy leadership through the Attorney General's Advisory Committee (AGAC) and its various subcommittees. The AGAC was established in 1973 to give USAs a voice in Department policies and to advise the Attorney General. The Committee meets monthly with the Attorney General and its 20 USA members represent various federal judicial districts, geographic locations, and small, medium and large size offices.

An order of the Attorney General in 1953 established the Executive Office for United States Attorneys (EOUSA) to provide executive assistance and coordinating functions for the USAs.

Under the direction of the **Director of EOUSA**, the mission is to provide the 93 USAs with general executive assistance and direction; policy development; administrative management direction and oversight; operational support; and coordination with other components of the Department and other federal agencies. These responsibilities include legal, budgetary, administrative, and personnel services, as well as continuing legal education. See Exhibit A for an organization chart of EOUSA. Specific offices and functions of EOUSA are outlined below.

- The **Office of Counsel to the Director** represents United States Attorneys' Offices (USAOs) in communications with the Office of Legislative Affairs (OLA) and Office of Public Affairs (OPA), and serves as an ombudsman for USAOs with other Justice components. The Counsel's office develops new programs and initiatives in the areas of legislation and public affairs, and provides expertise concerning substantive issues to the Director, EOUSA, the AGAC subcommittees and working groups. The Counsel's office responds to legislative comments, Congressional inquiries and letters, and assists in the preparation of testimony by USAs, AUSAs or their staffs.
- The **Data Analysis Staff** is responsible for providing a wide variety of reports and trend analyses for use by the Director of EOUSA when responding to requests from the Department, the Administration, Congress, and the public. The staff analyzes U.S. Attorney workyear, caseload and workload information for a variety of management purposes, and produces the United States Attorneys' Annual Statistical Report. During FY 2006, the Data Analysis Staff responded to over 1,000 requests for trends, data, and management analyses.
- The **General Counsel's** office provides advice to USAOs and to EOUSA on a broad array of legal and ethical issues. It provides guidance to USAO and EOUSA personnel regarding ethics and standards of conduct matters including conflicts of interest, recusals, outside activities, gifts and financial disclosures, allegations of misconduct, personnel legal issues, discovery requests and compliance with subpoenas. The General Counsel's office is also responsible for the employee relations programs of EOUSA and the USAOs.
- **Law Enforcement Coordinating Committee (LECC)/Victim-Witness Staff** provide support through EOUSA for district LECC and Victim-Witness program activities through liaison, monitoring, and assistance activities. LECC coordinators at the district level carry out the important role of coordination and liaison with federal, state, and local law enforcement, and with members of the community on various crime reduction programs. Each District's LECC is under the supervision of the United States Attorney who serves as the LECC chairperson or co-chairperson. Through the LECC program, training is provided to federal, state, and local law enforcement in areas such as anti-terrorism, gun crime, asset forfeiture, gang investigations, racial profiling, domestic violence, emerging drug trends, community policing, victim issues, and officer safety. USAOs' Victim Witness personnel enhance and protect the necessary role of crime victims and witnesses in the criminal justice process, ensuring that the federal

government does all it can to assist those individuals through an often extremely difficult process. Victim Witness personnel handle victim notification, explain to victims the criminal justice process, prepare victims and witnesses for testimony and allocution, coordinate their attendance at proceedings and attend proceedings with them, and provide victims with referrals and emergency assistance. Victims' rights have taken on new importance since the passage of the Crime Victims' Rights Act of 2004, which provided victims enumerated rights and, for the first time at the federal level, the mechanisms to enforce their rights. Victims are now playing a more central role in the criminal process, and exercising their rights in greater number than ever before. The number of notifications sent to victims alone has doubled since the Act passed.

- **The Equal Employment Opportunity (EEO) Staff** provides centralized leadership, coordination, and evaluation of all equal employment efforts within EOUSA and the USAOs. The EEO Staff is comprised of two components—complaint Processing and Affirmative Employment/Special Emphasis Programs.
- **The Legal Programs** office includes the Financial Litigation Staff (FLS) which assists in the collection and enforcement efforts of district financial litigation programs. FLS assists in the development of financial litigation policy, development and implementation of procedures and programs, and provides liaison functions within the Department and with outside agencies. The Legal Programs also coordinates asset forfeiture programs in USAOs and develops national policies and initiatives. In addition, Legal Programs coordinates the activities of the Affirmative Civil Enforcement (ACE) Program, which uses civil statutes for federal law enforcement efforts in fighting economic fraud.
- **The Evaluation and Review Staff (EARS)** conducts the evaluation program enabling the Director of the Executive Office to execute the responsibility of conducting reviews of internal management controls and prevent waste, loss, unauthorized use or misappropriation in federal programs, as required under the Federal Manager's Financial Integrity Act. The evaluation program provides on-site management assistance to the U.S. Attorneys. In FY 2006, EARS conducted 19 evaluation visits and 14 follow-up visits occurred to ensure that those issues identified as a result of the evaluation process were corrected. In FY 2005, EARS began the process of revising the administrative evaluation program to improve the effectiveness and consistency of the evaluation of the administrative functions within the USAOs by focusing on the “big picture” or “high impact” issues during the EARS reviews. The revisions to the EARS evaluation program will be fully implemented during FY 2007. During FY 2007, EARS has scheduled 23 evaluation visits.
- **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 USAOs concerning FOIA/Privacy Act issues, represents them in administrative appeals, and assists Assistant United States Attorneys and Department of Justice attorneys in litigation in federal courts throughout the country by providing draft

pleadings and preparing legal documents. In FY 2006, the FOIA/PA staff processed 4,485 requests for information, an increase of 650 requests or 17 percent over 3,835 processed requests in FY 2005.

- 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 and other departments and agencies. OLE is a separate decision unit of this budget and its functions are discussed later in greater detail.
- The **Chief Operating Officer (COO)** is a key advisor to the Director, EOUSA, and the AGAC on nationwide issues, and manages and directs the following offices. The **Employee Assistance Program (EAP)** provides free, confidential assessment, short-term counseling, and community referrals for EOUSA employees and their families. The **Facilities Management and Support Services Staff (FMSS)** 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 acquisition and procurement, and coordination of records and forms management, printing, and mail metering. The **Personnel Staff** develops and maintains a component-wide personnel program covering attorney and support staff throughout the USAOs and EOUSA. The **Security Programs Staff** provides security program support for USAOs, including policy and procedural assistance, training, education and awareness efforts, and emergency and contingency planning.
- The **Chief Information Officer (CIO)** is responsible for providing advice and assistance to the Director and senior staff to ensure that Information Technology (IT) is acquired and managed within Department, EOUSA, and USAO policies and procedures. The CIO ensures the integration of IT into strategic planning, acquisition, and program management processes to support the mission of the organization. The CIO also directs and manages the **Case Management Staff**, which provides user assistance and technical support for the nationwide case management systems; the **Office Automation Staff**, which includes the purchase and installation of computer systems, equipment, and software, maintenance of hardware and software, and end-user training; and the **Telecommunications and Technology Development Staff**, which provides administrative and technical support to USAOs in all telecommunications activities, including voice data and video. In FY 2006, the IT program accomplished several goals related to improving case management, computer security and wide-area telecommunications. EOUSA completed the conversion to the Department's wide area network initiative called JUTNET (Justice Unified Telecommunications Network). Information security was greatly improved by the establishment of a Security Operations Center in Columbia, South Carolina, which monitors all network traffic for computer virus and unauthorized access on a 24/7 basis. Major steps were accomplished towards the implementation of the Department's new case management system. In addition, for Contingency of Operations (COOP) responses, two new remote access initiatives were

implemented to provide secure access to critical information in the event of a natural disaster or terrorist attack.

- The **Chief Financial Officer (CFO)** through the **Resource Management and Planning Staff (RMP)** has responsibilities in the areas of budget formulation, budget execution, financial management, audit reviews, and long-range planning. RMP manages FTE allocations and a budget of approximately \$1.6 billion on behalf of the USAs. The staff consolidates resource needs and formulates an annual budget submission for presentation to the Department, the Office of Management and Budget, and Congress, and manages the day-to-day financial operations through the accountability reports at the end of a fiscal year. The staff also develops performance measures for the USAs that are required with each budget submission in accordance with the Government Performance Results Act (GPRA).

CRIMINAL PROSECUTIONS

The United States Attorneys' Offices investigate and prosecute a wide range of criminal activities and handle a more diverse workload than ever before. The offices' caseloads include international and domestic terrorism, identity theft, child exploitation and obscenity, complex and time-consuming corporate fraud, firearms and violent crime, sensitive public corruption and organized crime, drug enforcement, immigration, and criminal civil rights enforcement. Many of these cases involve multiple defendants and are extremely complex. The nature of today's crimes has required the United States Attorneys and Assistant United States Attorneys to become conversant in diverse fields such as the banking and health care industries, computer technology, securities, foreign cultures and languages, and manufacturing processes affected by environmental and other federal regulations.

The USAOs handle the majority of criminal cases prosecuted by the Department of Justice. The USAs receive most of their criminal referrals, or "matters," from federal investigative agencies including the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Customs Service, the United States Secret Service, and the United States Postal Service. USAOs also receive criminal matters from state and local investigative agencies, as well as violations reported by private citizens. After careful consideration of each criminal matter, the USAs decide the appropriateness of bringing criminal charges, and, when deemed appropriate, initiate prosecution. Except for misdemeanor offenses and instances in which an alleged offender waives the right to a grand jury indictment, the USAs present evidence against an alleged offender to a grand jury. The grand jurors decide whether to return an indictment. If an indictment is returned, the USAs then present the criminal charges in open court at the arraignment of the defendant.

Although historically a large number of criminal defendants enter a plea of guilty prior to trial, the USAs must always fully investigate the crime, prepare the charging document, and be

prepared to go to trial. Consistent preparation for trial minimizes the risk of dismissal for noncompliance with the Speedy Trial Act and strengthens the government's position in negotiations with defense counsel for a guilty plea. Pretrial discovery practice also strengthens the government's position. When a guilty plea is not obtainable, a trial becomes necessary. The USAs then present factual evidence to convince the jury, or the judge in a non-jury trial, of the defendant's guilt. If the defendant is convicted, the USAs must prepare and present evidence at the defendant's sentencing hearing and then defend the conviction at post-trial hearings and appeals. The USAOs handle most criminal appeals at the intermediate appellate level. After filing a brief, the USAs may be required to participate in oral arguments before the United States Courts of Appeal. If there is a further appeal, the USAs may be called upon to assist the Department of Justice litigating divisions or the Solicitor General in preparing the case for review by the United States Supreme Court.

CIVIL LITIGATION

In the civil arena, the USAs initiate civil actions, or affirmative litigation, to assert and protect the interests of the United States. They also defend the interests of the government in lawsuits filed against the United States, referred to as defensive litigation. In other civil cases, the United States is a third party plaintiff or defendant, a creditor, or an intervener. These types of civil litigation represent the civil caseload nationwide.

The USAOs initiate civil actions, or affirmative litigation, to assert and protect the interests of the United States. Such affirmative litigation includes civil actions brought to: enforce the nation's environmental, admiralty, and civil rights laws; represent the government's interests in bankruptcy actions; recoup money and recover damages resulting from federal program and other fraud; enforce administrative summonses and asset forfeiture litigation, which involves assets seized by federal, state, and local law enforcement.

The USAs also represent and defend the interests of the government in lawsuits filed against the United States, or defensive civil litigation. Such litigation includes tort suits brought by those who allege suffering as a result of government action, adjudication of Social Security disability claims, alleged contract violations, habeas corpus petitions, and race, sex, and age discrimination actions. The USAOs represent and defend the government in its many roles – employer, regulator, law enforcer, medical care provider, revenue collector, contractor, procurer, property owner, judicial and correctional system manager, and an administrator of federal benefits. In those cases where the United States is sued, the USA must be its representative.

It is critical to note that civil defensive work is unique because it is non-discretionary and non-delegable. Unlike criminal units, civil units of USAOs cannot employ "declination" criteria to manage or reduce the civil defensive caseload. All cases filed against the government, its agencies, and employees in their official capacities must be defended.

Debts are ordered to be collected from a criminal defendant when the defendant is sentenced by the court. These debts may be in the form of restitution to victims of crime, fines imposed by the

court to penalize criminals, special assessments on each criminal conviction count, costs of prosecution and other costs, and forfeitures of appearance bonds. Interest may also be collected in certain cases. In instances where restitution is ordered, the USAs are involved in collecting federal restitution payments, or restitution which is owed to the United States, and in collecting non-federal restitution, or that which is owed to private individuals and entities.

The USAs are the federal government's debt collection attorneys, responsible for litigating civil debts for federal agencies. In FY 2006, the USAOs collected \$5.24 billion of criminal and civil debts owed, a 48.3 percent increase over the \$3.53 billion total collected in FY 2005. It is noteworthy that the collection effort, which is handled by a fairly modest percentage of the total workforce, results in nearly three times the amount of revenue to the Treasury than the \$1.75 billion sought in the FY 2008 President's budget request. Even if one were to add the budgets of the Department's Criminal and Civil Divisions to recognize the contributions of those entities to this result, the investment would rise to approximately \$2 billion, with a return well above that. As a result of the Mandatory Victims Restitution Act (MVRA), it is now mandatory for courts to impose monetary restitution orders in all violent crimes and most property crimes. USAs are required to enforce restitution orders on behalf of all victims of federal crimes. The amount of outstanding criminal debt has risen dramatically since the enactment of the MVRA to \$45.7 million by the end of FY 2006, and of that amount, it is estimated that \$11.4 million is collectible.

The U.S. Attorneys also are the legal representatives for other federal agencies to pursue repayment of the debts. For example, when federal agencies lend money and the recipients default on repayment of the loans, or federal agencies have paid on guaranteed loans and have not been repaid as provided for in the lending agreement, USAs pursue the repayment of 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. USAs file suit to obtain judgments to collect debts, foreclose on real property, compel physicians to either 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.

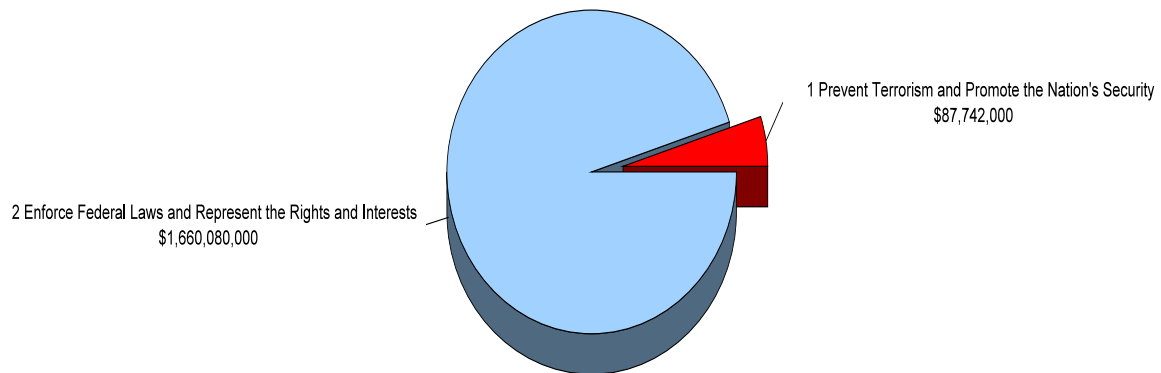
In FY 2006, the USAOs recovered \$1.52 billion in criminal debts compared to \$1.15 billion in FY 2005, a 32.2 percent increase, and recovered \$3.72 billion in civil debts compared to \$2.38 billion in the previous year, an increase of 56.3 percent. The Financial Litigation Units (FLUs) are the components in each USAO charged with the responsibility for enforcing and collecting all criminal and civil debts in the district owed to the United States and non-government victims of crimes. The USAs also carry out the important role of liaison with federal, state, and local law enforcement officers, and with members of the community on various crime reduction programs.

CRIMINAL AND CIVIL APPEALS

Generally, appeals are very time-consuming, requiring a thorough review of the entire record in the case, the filing of a brief and reply brief, and in most cases participation in oral argument which requires travel to the city where the United States Court of Appeals for the circuit is located. Furthermore, the complexity of appellate work and the time required to handle that work increases when convictions are based on complex facts such as those found in organized crime drug enforcement and other narcotic cases, financial institution fraud, organized crime, armed career criminal, public corruption, health care fraud, and computer fraud cases.

The appellate workload of the United States Attorneys' offices has increased due to additional appeals prompted by the Supreme Court's ruling in *United States v. Booker* in January 2005, which held that the Sixth Amendment right to jury trial applies to factual findings supporting certain sentencing enhancements under the U.S. Sentencing Guidelines, and that the Guidelines are advisory instead of mandatory. As a result, post-sentencing motions filed by incarcerated defendants, primarily to vacate a sentence under the new guidelines, increased by 383 motions from 5,565 to 5,948 or 6.9 percent between FY 2004 and FY 2006. The number of motions pending also increased between FY 2004 and FY 2006, increasing by 9.2 percent from 7,642 motions pending to 8,346.

2. Issues, Outcomes, and Strategies



FY 2008 Total Request by DOJ Strategic Goal

The following is a brief summary of the Department's Strategic Goals and Objectives, in which the USAs play a role.

DOJ Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security (\$87,742,000)

- Prevent, disrupt, and defeat terrorist operations before they occur (1.1)
- Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States (1.2)

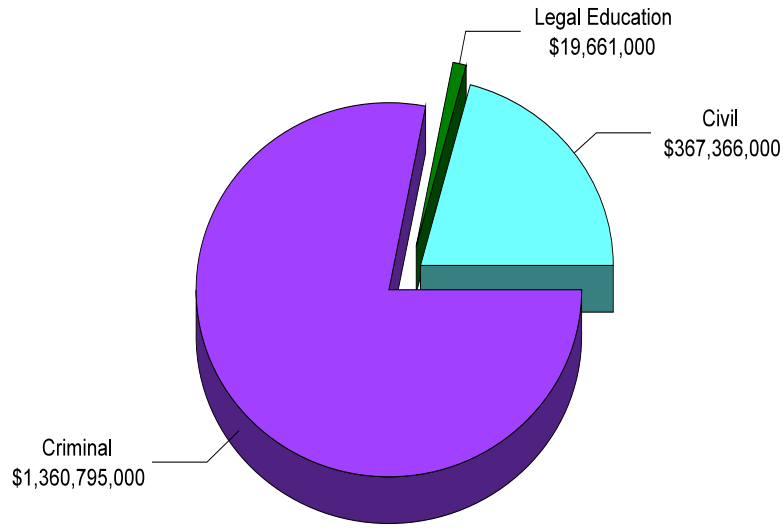
DOJ Strategic Goal 2: Enforce Federal Laws and Represent the Rights and Interests of the American People (\$1,660,080,000)

- Reduce the threat, incidence, and prevalence of violent crime, including crimes against children (2.1)
- Reduce the threat, trafficking, use, and related violence of illegal drugs (2.2)
- Combat white collar, economic crime, and cybercrime (2.3)
- Enforce federal statutes, uphold the rule of law, and vigorously represent the interests of the United States in all matters for which the Department has jurisdiction (2.4)

3. Full Program Costs

This request funds the strategies that support the USAs' objectives. We will continue to provide federal leadership in preventing and controlling crime and seek just punishment of those guilty of unlawful behavior.

FY 2008 Budget Request by Decision Unit



The USAs' \$1,747,822,000 budget request for FY 2008 is divided into three decision units: criminal, civil, and legal education. Some programs, as well as management and administration costs, cross decision units. Both performance and resource tables within each decision unit define the total costs of achieving the strategies the USAs will employ in FY 2008. 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.

4. Performance Challenges

The challenges that impede progress toward achievement of agency goals are complex and ever changing. New national priorities since September 11 have affected everyone in the law enforcement community as resources and personnel have been redirected to prosecute the Global

War on Terror. Additionally, internal agency dynamics, political decisions, technological developments, and criminal behavior are factors that can impact law enforcement practices and pose challenges that demand attention. The basic mission of the U.S. Attorneys has been affected through a growing case backlog and reduced staffing levels. In FY 2004, 198 FTE were left unfilled, and that number more than doubled to 465 FTE by the end of FY 2005. By the end of FY 2006, unfilled FTE rose substantially again to 786 FTE. Criminal cases pending or backlog increased from 63,499 cases in FY 2003 to 70,232 in FY 2006, an increase of 6,733 cases or 10.6 percent. The number of new cases filed decreased by 4.5 percent over the last two fiscal years from 61,443 cases in FY 2004 to 58,702 cases in FY 2006. In order to address these challenges, the United States Attorney community has implemented substantial management and financial efficiencies.

External Challenges

It is more important than ever to have a highly skilled, dynamic workforce. Since September 11, USAOs have taken on more responsibilities in new areas. AUSAs coordinate with state, local, and federal agencies in preventing, investigating, and prosecuting terrorist acts. Furthermore, AUSAs participate in disaster planning and emergency preparedness. These coordination activities involve non-traditional roles for AUSAs and present a great challenge as we continue combating terrorism.

Coordination with state, local, and federal agencies is not unique to combating terrorism. USAOs are heavily involved in these activities in a variety of program areas ranging from gun violence reduction through Project Safe Neighborhoods to disrupting and dismantling drug organizations.

Emerging criminal activities, often driven by technology, such as cybercrime, and the economy are external challenges beyond our control, as downturns in the economy often correlate with increases in criminal activity. We will continue to focus on areas within our spheres of influence and control, concentrating on coordination efforts with state, local, and federal agencies and ensuring our workforce is trained for emerging, complex issues.

Internal Challenges

One internal challenge to the USAs organizations is keeping the workforce flexible and adaptable in a changing and dynamic environment. Over the past few years, terrorism, corporate fraud and internet-related crime have emerged as extremely important national priorities. The U.S. Attorneys responded by allocating positions to districts with the greatest need and providing necessary training through the National Advocacy Center (NAC). Continuous monitoring of case work and offices' needs play an important role in our success.

II. Summary of Program Changes

For FY 2008, the U.S. Attorneys' request is \$1,747,822,000. The request includes \$20,973,000 in enhancements and 203 new positions (102 FTE). The following enhancements that support Presidential priorities are requested: 1) Border and Immigration Prosecution, 2) Gang Prosecution, and 3) Project Safe Childhood.

Item Name	Description	Pos.	Atty	FTE	Dollars (\$000)	Page
Border and Immigration Prosecution	Provides for additional prosecution resources to address illegal immigration and other crimes along the nation's borders.	72	55	36	\$7,400	22
Gang Prosecution	Supports prosecution efforts for the growing gang and resulting crime problem.	38	30	19	4,079	28
Project Safe Childhood (PSC)	Focuses prosecution resources on child exploitation and pornography on the Internet.	93	73	47	9,494	32
TOTAL		203	158	102	\$20,973	

III. Appropriations Language and Analysis of Appropriations Language

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,747,822,000: Provided, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$20,000,000 shall remain available until expended. *

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

IV. DECISION UNIT JUSTIFICATION

A. CRIMINAL

**United States Attorneys
Salaries and Expenses
(Dollars in Thousands)**

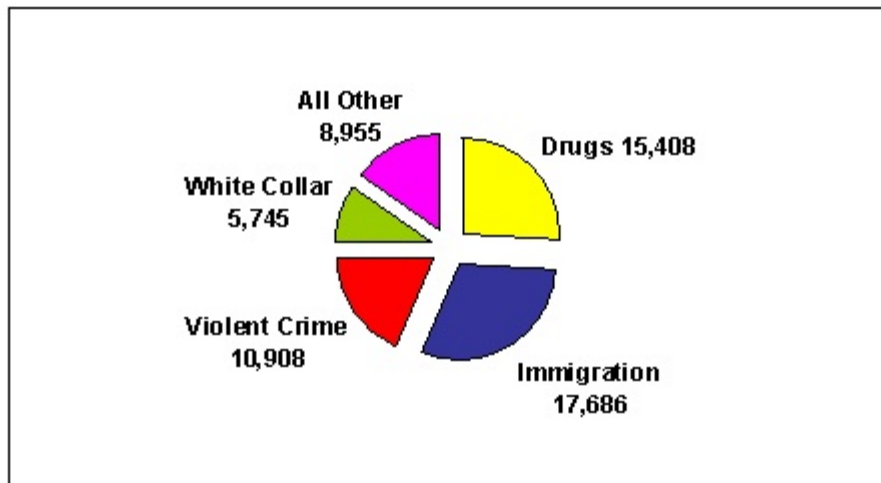
Criminal Litigation	Perm. Pos.	Workyears	Amount
2006 Enacted w/Rescissions and Supplementals	7,923	7,949	\$1,246,284
2007 Estimate	8,079	8,033	\$1,269,649
Adjustments to Base and Technical Adjustments	...	72	70,173
2008 Current Services	8,079	8,105	\$1,339,822
2008 Program Increases	203	102	20,973
2008 Offsets	...	...	...
2008 Request	8,282	8,207	\$1,360,795
Total Change 2007-2008	203	174	\$91,146

1. Program Description–Criminal Decision Unit

The United States Attorneys' Offices prosecute a wide range of criminal activities and now handle a more diverse and complex workload than ever before. For example, criminal caseloads include: international and domestic terrorism, youth violence, complex and time-consuming health care fraud, financial institution fraud, immigration, computer fraud and environmental crime, public corruption and organized crime, drug enforcement, and cases involving multiple defendants and international organizations.

United States Attorneys receive most of their criminal referrals, or "matters," from federal investigative agencies or become aware of criminal activities in the course of investigating or prosecuting other cases. They also receive criminal matters from state and local investigative agencies. Criminal violations are also reported to the USAs by citizens. After careful consideration of each criminal matter, the USA decides the appropriateness of bringing criminal charges and initiates prosecution.

Criminal Workload
FY 2006 Cases Filed – 58,702



During FY 2006, the USAOs filed 58,702 criminal cases against 81,088 defendants in United States District Court. From FY 2004 through FY 2006, the number of cases filed, which include indictments filed in district court, fell 4.5 percent, from 61,443 to 58,702 cases. But while the number of cases filed has fallen, the number of cases pending has increased by 10.6 percent or 6,733 cases, up from 63,499 in FY 2003 to 70,232 in FY 2006.

A total of 60,393 cases against 82,343 defendants were closed during FY 2006. Of the 82,343 defendants whose cases were closed, 75,650, or 92 percent, either pled guilty or were found guilty. Of these, 63,006 received prison sentences, and 277 guilty defendants received sentences of life imprisonment. The rate of convicted defendants who received prison sentences has consistently exceeded 80 percent over the last six years.

2. Performance, Resources, and Strategies

The Criminal Decision Unit contributes to the Department's Strategic Goal I: Prevent Terrorism and Promote the Nation's Security. Within this goal, the decision unit's resources specifically address two of the Department's Strategic Objectives: 1.1 - Prevent, disrupt, and defeat terrorist operations before they occur; and 1.2 - Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States.

The Criminal Decision Unit also contributes to Goal II: Enforce Federal Laws and Represent the Rights and Interests of the American People. Within this Goal, the decision unit's resources specifically address five of the Department's Strategic Objectives: 2.1- Reduce the threat, incidence, and prevalence of violent crime, including crimes against children; 2.2 - Reduce the threat, trafficking, and related violence of illegal drugs; 2.3 - Combat white collar, economic crime, and cybercrime; 2.4 - Uphold the civil and constitutional rights of all Americans, and protect vulnerable members of society; and 2.5 - Enforce federal statutes, uphold the rule of law, and vigorously represent the interests of the United States in all matters for which the Department has jurisdiction.

a. Performance Plan and Report for Outcomes

In the criminal area, there are two primary performance measures for the USAs, including 1) terrorism convictions, and 2) criminal cases favorably resolved.

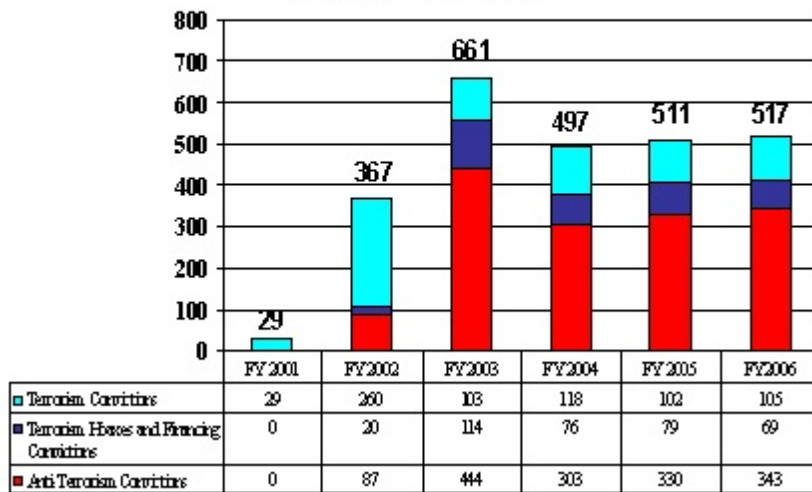
1. Terrorism/Anti-Terrorism Convictions

The prevention of terrorist attacks and the prosecution of the war on terrorism remain the top priorities of the Department of Justice. In FY 2006, the United States Attorneys filed a total of 386 terrorism, anti-terrorism, and hoax and financing cases against 604 defendants. This includes international and domestic terrorism, terrorism-related financing, and terrorism-related hoaxes, as well as anti-terrorism cases. Anti-terrorism cases are those cases brought to prevent or disrupt potential or actual terrorist threats where the offensive conduct is not obviously a federal crime of terrorism. A total of 464 cases against 605 defendants were terminated in FY 2006.

The terrorism performance measure is the number of terrorism/anti-terrorism/financing and hoax convictions based on the definitions described above and derived from the U.S. Attorneys' Case Management System. Included in the terrorism convictions are the original program categories of international terrorism and domestic terrorism. Examples of offenses that could be classified as

international or domestic terrorism include the following: destruction of an aircraft or interference with a flight crew; attack on a mass transit facility or on the means of interstate communication; use of weapons of mass destruction; and material support for terrorism. Terrorism-related hoaxes and terrorist financing were added after September 11, 2001 to allow the U.S. Attorneys' Case Management System to capture more terrorism-related activities. Anti-terrorism cases are those where the underlying purpose or object of the case is to prevent or disrupt potential or actual terrorist threats where the offensive conduct is not obviously a federal crime of terrorism. In FY 2006, there were 105 terrorism convictions, 69 terrorism-related financing and hoax convictions, and 343 anti-terrorism convictions for a total of 517 convictions.

**USA Terrorism/Anti-Terrorism and
Terrorism-Related Convictions**
FY 2001 – FY 2006



2. Criminal Cases Favorably Resolved

The USAOs investigate and prosecute a wide range of criminal activities. The USAs are called upon to respond to changing priorities and to become involved in specific crime reduction programs. After the events of September 11, 2001, the number one priority of the USAs became the prevention of terrorist acts and the investigation and prosecution of those involved in terrorist attacks. The USAs also have continued their longstanding commitment to address drug and violent crimes. Within the violent crime category, the USAs continue to address the illegal use of firearms by those who commit crimes and accompanying acts of violence in our communities. Drug prosecutions continue to be a priority of the USAs with particular emphasis on the operations of large drug organizations.

The USAOs handle most of the criminal cases prosecuted by the Department of Justice (DOJ). The USAs receive most of their criminal referrals 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 Customs Service; and the United States Secret Service. They may also receive criminal referrals from state and local investigative agencies or become aware of criminal activities in the course of investigating or prosecuting other cases.

In FY 2006, there were 75,133 defendants found guilty of non-terrorist criminal activity such as violent crime, drug trafficking, and white collar crime compared to 71,508 in FY 2005. The percentage of criminal cases favorably resolved in FY 2006 was 91.9 percent, compared to a goal of 92 percent. For FY 2007 and FY 2008, a 92 percent favorable resolution rate for criminal cases is planned. The FY 2008 goal for defendants found guilty will increase to 70,907, after decreasing in FY 2007.

b. Strategies to Accomplish Outcomes

In FY 2008, the U.S. Attorneys will continue to place a high priority on prosecution and security efforts in the war on terrorism. In addition, priority will be given to other new program enhancements requested for combating growth areas of criminal activity, such as prosecution of gangs, and child exploitation and obscenity. These strategies, discussed on the following pages, require a program enhancement of 203 positions (102 FTE) for a total of \$20.973 million.

c. Performance Assessment Rating Tool (PART) Review

During FY 2004, the United States Attorneys' were evaluated by the Office of Management and Budget (OMB) under the Performance Assessment Rating Tool (PART) process. The PART evaluated programs in four areas: purpose, strategic planning, program management, and results and accountability. The U.S. Attorneys received an "adequate" rating from OMB reviewers. OMB recommended that these follow-up actions warranted further review: 1) declination policies and practices, 2) enhancement of performance measurement and accountability of USAOs, and 3) common administrative functions in the USAOs in an effort to create efficiencies.

EOUSA has undertaken the following activities to address these follow-up actions. A working group of U.S. Attorneys and staff was appointed by the Director of EOUSA in August 2005 to draft new performance goals, measures and management standards in order to better evaluate U.S. Attorney district offices through the Evaluation and Review Staff (EARS) program. Included in this review are district declination processes and the general performance and accountability of USAOs. The revised procedures adopted in FY 2007 will be used to make changes in the evaluation process of the USAOs and to address the PART recommendations. The working group made its recommendations to management in FY 2006 and policy decisions will be implemented for new evaluation reviews beginning in FY 2007. In addition, the Office Management and Budget Subcommittee of the Attorney General's Advisory Council (AGAC) has reviewed the PART recommendations.

The Evaluation and Review Staff (EARS) program within EOUSA establishes on-site evaluation teams that gather information from client law enforcement agencies, the courts, and AUSAs. The evaluators make informed assessments whether USAOs declination policies, for example, are consistently applied and appropriate given the personnel resources, caseloads, and priority program demands in the district. The evaluation teams also review the level of supervision and documentation of declination decisions to ensure fair and consistent application of USAO declination policies. In addition, evaluators assess whether USAOs have adequate procedures in place for notification to other agencies and crime victims of decisions to decline criminal referrals. Reports of the evaluation teams are forwarded to the Director of EOUSA and the Deputy Attorney General (DAG) for their review and follow-up actions, if appropriate. Due to the unique situation of each USAO and the nature of the declination process, the current review system provides a good evaluation of the effectiveness of declination procedures in each district.

Efforts to enhance the performance and accountability of USAOs has been an on-going process by the Department of Justice and EOUSA. The DAG implemented a plan in November 2001 to improve the Department's ability to assess the USAs' efforts to address the Attorney General's priorities and meet management and performance expectations. One aspect of the plan is to enhance the EARS evaluations to increase their effectiveness as a management tool. A second component of the plan is to better communicate Department priorities and effective management practices to USAs. A third aspect of the plan is improvement of data collection and analysis methods and systems.

Finally, in the area of efficiencies for common administrative functions, EOUSA maintains an extensive monitoring and review system of district budgets and expenditures. U.S. Attorney financial management personnel routinely participate in EARS evaluations of district offices, as well as on-site audit reviews. Administrative efficiencies resulting from the revised EARS evaluation process will be explored during FY 2007.

PERFORMANCE AND RESOURCE TABLE

Decision Unit: Criminal											
DOJ Strategic Goal/Objective: GOAL I, GOAL II/ Strategic Objectives: 1.1, 1.2, 2.1, 2.2, 2.3											
WORKLOAD/ RESOURCES											
Workload	Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	Final Target		Actual		Estimate		Changes		Requested (Total)	
		FY 2006 FTE	\$000	FY 2006 FTE	\$000	FY 2007 FTE	\$000	FY 2008 Program Change FTE	\$000		
Number of Cases - Defendants Handled		186,500		189,133		170,220		102		177,028	
		9,454	\$1,234,784 [203,374]	7,923	\$1,246,284	8,033	\$1,269,649 [206,030]	72	\$70,173	8,207	\$1,360,795 [208,720]
TYPE/ Strategic Objective											
Performance		FY 2006 FTE	\$000	FY 2006 FTE	\$000	FY 2007 FTE	\$000	FY 2008 Program Change FTE	\$000	Requested (Total) FY 2008 Request FTE	\$000
Terrorism/Anti-Terrorism/Terrorist-Related Hoaxes and Financing		567	\$84,091 [0]	567	\$84,090 [0]	569	\$86,022 [0]	0	1,764 [0]	569	\$87,742 [0]
Performance Measures											
Defendants - Cases Filed		700		604		544				566	
Defendants - Terrorism Convictions		105		105		96		0		100	
Defendants - Hoax/Financing Convictions		69		69		59				62	
Defendants - Anti-Terrorism Convictions		343		343		310		0		321	
Defendants - Convictions *		517		517		465				483	
Defendants - Sentenced to Prison		260		287		231		0		240	
Program-Activity											
Violent Crime, Drug Trafficking and White Collar Crimes		FY 2006 FTE	\$000	FY 2006 FTE	\$000	FY 2007 FTE	\$000	FY 2008 Program Change FTE	\$000	Requested (Total) FY 2008 Request FTE	\$000
		8,869	\$1,175,197 [203,374]	7,356	\$1,162,194 0	7,464	\$1,183,627 [206,030]	72	\$68,409	7,638	\$1,273,053 [208,720]
Performance Measures											
Total Defendants Terminated		78,000		82,343		74,109		1,482		77,073	
Total Defendants Guilty		71,760		75,650		68,180		1,364		70,907	
OUTCOME											
Percentage of Cases Favorably Resolved		92.0%		91.9%		92.0%				92.0%	
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 USA offices. Data is also taken from the United States Attorneys' central case management system, which contains district information including criminal matters, cases, and appeals. The United States Attorneys' offices are required to submit bi-yearly 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 Convictions," "Terrorism Related Hoax and Financing Convictions," and "Anti-Terrorism Convictions" data conforms with the USA case management system definitions.

PERFORMANCE MEASURE TABLE												
Decision Unit: Criminal												
Performance Report and Performance Plan Targets												
	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008			
	Actual	Actual	Actual	Actual	Actual	Actual	Target	Target	Target			
Program Activity - Criminal Litigation - Non Terrorism												
Performance Measure												
Total Defendants Terminated	63,426	68,381	70,064	75,189	75,160	78,916	78,000	82,343	74,109	77,073		
Total Defendants Guilty	57,716	62,216	63,815	68,960	68,285	72,019	71,760	75,650	68,180	70,907		
OUTCOME Measure	Percentage of Cases Favorably Resolved	91.0%	90.9%	91.7%	90.9%	91.3%	92.0%	91.9%	92.0%	92.0%		
Program Activity - Terrorism												
Performance Measure												
Number of Terrorism Convictions	30	29	367	661	497	511	510	517	465	483		
OUTCOME Measure												

IV. Program Increases by Item

Item Name: Border and Immigration Prosecution Initiative

Budget Decision Unit: Criminal

Strategic Goal: 1) Prevent Terrorism and Promote the Nation's Security.

Objectives: 1.1) Prevent, disrupt, and defeat terrorist operations before they occur.
1.2) Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States.

Program Increase: Positions 72 FTE 36 Dollars \$7,400,000
(55 attorneys, 17 support)

Description of Item

In FY 2008, the U.S. Attorneys request **\$7.4 million** for a **Border and Immigration Initiative**. The request would provide 72 positions, including 55 attorneys and 17 support. Prosecutorial resources are needed to respond to the dramatic increase of immigration cases since FY 2000 and to be able to address the substantial increase of Border Patrol Agents proposed to protect our borders from illegal immigration. U.S. Attorneys' Offices currently cannot meet the demands placed on them to prosecute immigration cases. The U.S. Attorneys' strategies to combat violations of immigration offenses include:

- Ensuring that there is a sufficient United States Attorney (USA) presence to meet the steadily increasing caseload generated by increased law enforcement resources, and
- Aggressive enforcement of the immigration statutes, including aliens who after deportation attempt to reenter or are found in the United States illegally; alien smugglers and alien smuggling organizations; and those involved in terrorism and violent crimes.

Justification

The goal of the current border enforcement strategy is to prevent illegal entries, particularly by terrorists or drug smugglers, through instituting a sufficiently recognizable level of deterrence along the border and by apprehending those who nevertheless seek to cross into the United States illegally. The United States Attorneys' Offices in border districts are tasked to support federal law enforcement agencies that patrol 5,525 miles of the Canadian border and 1,933 miles of the Mexican border. Along the Northern and Southwest Borders, the U.S. Attorneys' Offices have filed 51 percent more immigration cases between FY 2001 and FY 2006. Along the Southwest

Border alone, there were 11,820 criminal immigration cases filed in the five USAO districts in FY 2006, 67 percent of the national total, compared to 7,851 cases filed in FY 2001.

The Administration's plans to increase the number of Border Patrol Agents by at least 6,000 over the next two years will impact the United States Attorneys' workload dramatically. As a result of resources already provided for law enforcement resources along the border, the above data show that the number of immigration cases has already increased substantially over the last five years. The impact of 6,000 additional Border Patrol Agents will be even more dramatic.

A major concern in protecting our borders since 9/11 has been associated with stopping potential terrorists from entering the country. Given the fact that Al Qaeda, Hezbollah, and other designated terrorist organizations have a presence in Canada and South America, national security is a paramount concern for United States Attorneys' Offices along the border. Post-9/11 figures show that the staffing levels of the United States Attorneys' Offices have not kept pace with the increasing caseload resulting from dramatic increases in federal law enforcement staffing.

The arrest of Ahmed Ressam, who was apprehended while attempting to enter the U.S. at Port Angeles, Washington and later convicted of a plot to detonate an explosive device at the Los Angeles airport, alerted America to its vulnerability along the U.S.- Canadian Border. Organizations engaged in or supporting terrorism have active cells and supporters within Southern Canada. An Al Qaeda affiliated Internet forum recently encouraged small groups of terrorists with explosives expertise to enter the United States from Canada to carry out attacks. Canada has relatively relaxed immigration laws, and is a "staging ground" for possible actions against the continental United States.

Given their location, the Canadian border districts play a significant role in our national defense against terrorism. The Northern District of New York, for example, has an extensive land and water border with Canada, and serves as the primary route of travel between the major cities of Canada and the Eastern Seaboard of the United States. In addition to Montreal, the Canadian cities of Ottawa, Toronto, Kingston, Cornwall, and Quebec are within easy driving distance of the Northern District of New York, the Western District of New York, Vermont and Maine, allowing access to the entire East Coast. The Detroit/Windsor border crossing is another location where countless individuals with ties to terrorist organizations cross between the two countries, often requiring prosecutive action to be undertaken through the local United States Attorney's Office.

Law enforcement and national security concerns exist all along the Canadian border. Adnan El Shukrijumah is currently one of the FBI's most wanted terrorists. He has completed advanced training at Al Qaeda's camps, and pledged "bayat" to Usama Bin Laden. El Shukrijumah was recently reported to have been living outside of Toronto under the alias Ciro Vitolo. An individual using this name is reported to have entered the United States from Canada at Buffalo New York on various occasions in 2005 and 2006. Data from the Canadian border districts show a significant increase in activity since 9/11. Between FY 2001 and FY 2006, immigration case filings in Canadian border districts has increased almost 60 percent, and the increases are not

concentrated in any one district. Between FY 2001 and FY 2006, 14 of the 17 Canadian border districts had their immigration case filings increase.

The Southwest Border is a particularly vulnerable region where cross-border criminal enterprises occur. These criminal enterprises engage in human smuggling through Mexico into the United States that puts hundreds of millions of dollars into criminal hands — and the drug trade is much larger. The related crimes that occur — the killings, hostage taking, robberies, money laundering — are all methods that criminals employ in order to gain and expand market share and maximize profit in their criminal business enterprises. Most of these activities involve the illegal movement of people or goods across the Nation’s borders. In FY 2006, Border Patrol agents along the Southwest Border apprehended over 1 million aliens attempting to enter this country illegally. To address this issue, the Department of Homeland Security and Bureau of Customs and Border Protection have increased their permanent staff by more than 500 agents for the Tucson, Arizona sector alone.

The criminals who traffic in drugs or human beings and make their profits through illegal crossings are increasingly targeting Border Patrol Agents in violent attacks as the Department of Homeland Security’s border enforcement grows. “Rocking” (rock throwing) incidents continue to rise along the border, and even more disturbing is that federal agents working at or near the border have been murdered. These acts highlight the threat of armed drug smugglers coming through the border ready, willing, and able to confront law enforcement in order to pass their cargo to its intended destination.

National Park Service Ranger Kris Eggle was murdered after he intercepted one of a group of carjackers who drove across the Arizona border while being chased by Mexican police in a stolen car. Border Patrol Agent Alexander Kirpnick was murdered when he confronted a group of individuals who were backpacking drugs into the United States. In June 2005, two Border Patrol Agents were ambushed as they were moving in to intercept a group of backpackers carrying drugs into the United States. Multiple shooters who had been guarding the backpackers opened fire with assault rifles and seriously wounded both agents, who were fortunate to survive. A similar ambush occurred early in 2006 as agents were attempting to intercept a group of drug backpackers. Fortunately, the agents escaped injury in that incident. Similar ambush incidents have targeted the U.S. Custom and Border Protection’s (CBP) Shadow Wolves unit on the Tohono O’Odham Indian Reservation.

When confronted, these smugglers turn to violence to escape. In one case, the smuggler shot and wounded a Border Patrol Agent after being pulled over. The ensuing chase and shootout resulted in the death of a juvenile smuggled alien who was being transported in the trunk of the defendant’s vehicle. The Arizona U.S. Attorney’s Office obtained a conviction against defendant Shane Bobby Chiago in that case and he was sentenced to 18 years of imprisonment. In another case, the smugglers fled from local police, driving over 15 miles at speeds exceeding 100 miles per hour, running red lights and driving into oncoming traffic, until the smugglers crashed head-on into a car occupied by two newlyweds. The crash killed the newlyweds as well as three of the fifteen aliens who were being transported. The U.S. Attorney’s Office obtained a conviction after

trial against Jose Luis Zepeda-Cruz and Jimir Valle Martinez. In September 2006, Martinez received a 35 year sentence.

These types of incidents demonstrate that threats to law enforcement personnel and criminal activity is growing as a result of the increased activity of violent drug traffickers and human smugglers. Violence among smugglers has also grown exponentially. For example, since 1999 a pattern has emerged in which alien smugglers will hijack loads of aliens from other smugglers. The criminal motives for these hijackings vary, but generally involve efforts to extort additional money from the aliens' families or simply to reap the profit from the other smugglers' successful efforts in getting the aliens across the border and through the security network. There have been numerous cases along the border in which carloads of illegal aliens have been hijacked.

Smugglers have turned to violence to extort payment from their own clients. In some instances, when a smuggled alien cannot pay the full amount, the smugglers use violence to convince the alien or family members to pay the smuggling fee. In other cases, the smugglers agree to a certain price for their services, but when the alien arrives at a drop house in the United States the fee is raised dramatically, often to a price that the alien cannot afford. Smugglers use threats and actual violence to compel payment. Often these threats are backed up by the presence of firearms, other weapons, and physical abuse.

Another significant threat to the border and the interior of the United States is posed by transnational street gangs. Many members of violent street gangs are foreign-born persons who are actively involved in crimes such as human and contraband smuggling, robbery, extortion, rape, and murder. The foreign nationals who belong to these gangs ignore our immigration laws, and they enter the United States illegally. They then travel to the Nation's interior cities to join with other gang members and participate in criminal activity. The border violators today are better armed, more willing to use force, and thus the stakes are getting higher as the barriers are strengthened against illegal crossing of our borders.

In response to the growing problem of violence, USAO border districts are working closely with various components of the Department of Homeland Security (DHS), including U.S. Immigration and Customs Enforcement (ICE) and CBP, components from the Department of Justice, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and state and local law enforcement agencies and prosecutors' offices to develop prosecutorial programs and policies to ensure the most efficient handling of violent cases and to achieve the most appropriate sentences in the best forum.

DHS has recently established Border Enforcement and Security Task Forces (BESTs), which build on their experiences fighting violent cross-border crime in Laredo, Texas, during "Operation Black Jack." "Operation Black Jack" has been a focused effort to coordinate ICE, CBP, DEA, FBI, ATF, the U.S. Marshals Service, and other state and local law enforcement agencies, with significant support from the Southern District of Texas USAO and the District Attorney's Office. BESTs focus on every element of the enforcement process, from interdiction

to prosecution and removal, with the goal of eliminating the top leadership and supporting infrastructure that sustains these cross-border organizations. They leverage federal, state, tribal, local, and intelligence entities to focus resources on identifying and combating emerging or existing threats.

A similar effort has been undertaken along the Northern Border where DHS, the Royal Canadian Mounted Police, and other state, local, and provincial law enforcement agencies have formed 15 integrated Border Enforcement Teams (IBETS). The IBETS identify and target smuggling operations along the Canadian Border from Washington to Maine. As along the Southwest Border, the USAOs play an integral and critical role in these collaborative efforts from the investigative phase through the successful prosecution of cases developed by the IBETS.

The Department of Homeland Security's Secure Border Initiative (SBI) incorporates these border enforcement efforts with interior immigration enforcement to create a seamless strategy to reduce and deter illegal migration into the United States, and in turn reduce the level of violence at the border. USAOs are an integral part of these collaborative efforts and prosecute those charged with federal crimes.

USAOs cooperate closely with state and local counterparts to ensure the best possible result in a given case. USAOs coordinate prosecution efforts with local prosecutors to ensure that the smugglers are prosecuted for charges that best fit their crimes and in the forum with jurisdiction over those charges. In some cases it has been appropriate to file charges both federally and in state courts, and the USAOs have worked closely with their local counterparts to achieve successful concurrent prosecutions, in turn maximizing the length of sentences for defendants. As a catalyst in bringing a variety of law enforcement organizations together, the U.S. Attorneys are playing an integral part in providing the coordination necessary in focusing efforts to reduce the growing violence along the border states.

Impact on Performance

Sufficient United States Attorney presence along the border is needed to prosecute the expected, dramatic increase in cases brought on by stepped up enforcement efforts. The current level of USA resources along the border has not grown sufficiently to meet the present immigration caseload. Additional resources are needed by the U.S. Attorneys to aggressively pursue prosecution of crimes committed along the border. The increase of 6,000 Border Patrol Agents and the resulting arrests requiring prosecution will severely strain the resources of the border districts. Additional prosecutors and contract support will be needed to address the resulting workload.

This initiative will address the Department's Strategic Goal I, *Prevent Terrorism and Promote the Nation's Security* and two objectives, *1.1- Prevent, disrupt, and defeat terrorist operations before they occur; 1.2- Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States.*

Border and Immigration Prosecution Funding

Base Funding

FY 2006 Availability				FY 2007 Estimate				FY 2008 Current Services			
Pos	Agt/ Atty	FTE	Dollars	Pos	Agt/ Atty	FTE	Dollars	Pos	Agt/ Atty	FTE	Dollars
268	183	268	\$40,200,000	268	183	268	\$41,004,000	268	183	268	\$41,824,000

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position	Number of Positions Requested	FY 2008 Request	FY 2009 Net Annualization (Change from 2008)
Attorney	\$115,345	55	\$6,343,975	\$4,729,725
Paralegal	\$63,656	10	\$636,560	\$350,810
Support	\$51,386	7	\$359,702	\$236,152
Total Personnel		72	\$7,340,237	\$5,316,687

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2008 Request	FY 2009 Net Annualization (Change from 2008)
Contract Support	\$59,763	N/A	\$59,763	N/A
Total Non-Personnel	\$59,763	N/A	\$59,763	N/A

Total Request for this Item

	Position	Agt/ Atty	FTE	Personnel	Non-Personnel	Total
Current Services	268	183	268	\$41,824,000	\$0	\$41,824,000
Increases	72	55	36	\$7,340,237	\$59,763	\$7,400,000
Grand Total	340	238	304	\$49,164,237	\$59,763	\$49,224,000

IV. Program Increases by Item

Item Name: Gang Prosecution Initiative

Budget Decision Unit: Criminal

Strategic Goal: 2) Enforce Federal Laws and Represent the Rights and Interests of the American People

Objectives: 2.1) Reduce the threat, incidence, and prevalence of violent crime, including crimes against children.
2.2) Reduce the threat, trafficking, use, and related violence of illegal drugs

Program Increase: Positions **38** FTE **19** Dollars **\$4,079,000**
(30 attorneys, 8 support)

Description of Item

In FY 2008, the U.S. Attorneys request **\$4.079 million** for a **Gang Prosecution Initiative**. This will provide for a total of 38 positions (19 FTE), which includes 30 attorney and 8 paralegal support positions. The Gang Prosecution Initiative supports the Attorney General's efforts to combat gang violence and reduce crime by providing additional prosecutorial resources to address the growing gang problem throughout our country.

Gang violence is a problem in every state. It affects the quality of life across the country – from the largest cities to suburban communities and rural areas. Once found principally in large cities, violent street gangs now affect public safety, community image, and quality of life throughout the country. Gang violence is a complex issue that manifests itself in many different ways. Through a unified and cohesive effort of federal, state and local law enforcement, backed by additional resources, gang members can be brought to justice.

Justification

The presence of gangs throughout society is undeniable. They incite fear and violence within our communities. Gangs threaten our schools, our children, and our homes. Gangs today are more sophisticated and flagrant in their use of violence and intimidation tactics. In July 2003, the National Drug Intelligence Center's *Gangs and Drugs in the United States* reported that gangs, whether street gangs, outlaw motorcycle gangs, or prison gangs, are the primary distributors of drugs throughout the United States. They are involved in drug distribution at both the wholesale and retail/street levels.

According to the *2004 National Youth Gang Survey* published in April 2006, there were 760,000 gang members and 24,000 gangs active in the United States in 2004. A total of 173 cities with a population of 100,000 or more reported a gang problem in 2004. The number of gang homicides recorded in these cities was 11 percent higher in 2004 than the previous eight year average.

On April 21, 2005, Attorney General (AG) Alberto R. Gonzales announced several steps that the Department of Justice (DOJ) will take to strengthen Department-wide efforts to combat gang violence and reduce crime. He established the Attorney General's Anti-Gang Coordination Committee, which directs the U.S. Attorneys to lead the Anti-Gang effort, appoint an Anti-Gang Coordinator, and implement individual strategies to combat gang problems in each district. The goal is to achieve measurable reductions in gang activity and violent crime by identifying the gangs posing the greatest danger to American communities, and targeting them with the coordinated resources of federal, state, and local law enforcement. The AG's Anti-Gang Initiative also expands upon the traditional, law enforcement responsibilities of prosecutors, by emphasizing prevention and reentry activities. The Anti-Gang Coordinator is directed to coordinate these types of activities in each district. This expansion of duties requires an expansion of resources.

The Attorney General announced on February 15, 2006 a comprehensive new anti-gang program in six cities that will help us to combat some of the worst, most violent gangs in the country. These cities include: Los Angeles; Cleveland; Dallas-Fort Worth; Milwaukee; Tampa; and the "222 Corridor" that stretches from Easton to Lancaster, Pennsylvania, near Philadelphia. The program will focus on three areas: prevention, targeted enforcement, and prisoner re-entry. The cornerstone of the program is to make the U.S. Attorney the convener, who will work with each local community to design and implement programs that are uniquely tailored to its needs, while maximizing the impact of national resources and expertise.

An effective federal, state, and local law enforcement partnership is an essential building block for these investigations. U.S. Attorneys will participate with state and local community leaders to develop innovative solutions and better coordinate resources to deal with the unique gang problem facing each community.

On May 2, 2006, the Attorney General directed each United States Attorney to host a gang prevention summit that will bring together law enforcement and community leaders to discuss current, effective programs, identify gaps in services, and develop a plan for working in partnership to prevent youth from joining gangs. The United States Attorneys' intend to hold violent gang offenders accountable for their actions.

Different regions of the country are dealing with diverse gang activity. For example, the violent gang Mara Salvatrucha, or MS-13, has a significant presence in Northern Virginia, New York, California, and Texas, as well as places as disparate and widespread as Oregon City, Oregon, and Omaha, Nebraska. MS-13 is estimated to have around 10,000 hardcore members and is growing increasingly sophisticated and violent.

The following are examples of USAO gang cases:

- A 38 count indictment charged that 49 Milwaukee Latin Kings gang members operated as a criminal RICO enterprise in Milwaukee and other parts of Wisconsin from January of 1998 through September 2005. The indictment contained specific allegations regarding 4 murders and 38 attempted murders committed by the defendants.
- In the Northern District of Illinois 56 alleged New Breeds street gang members and associates were indicted in a conspiracy to distribute powder and crack cocaine, heroine and marijuana.
- Over the past two years, more than 30 members of the MS-13, 50 members of the Bloods and four members of Murder Unit have been convicted on federal charges by the Eastern District of New York, including murder in the aid of racketeering, aggravated assault, narcotics distribution, firearms trafficking and immigration offenses.

In addition to their prosecution efforts, virtually all USAOs provide training related to gangs as part of PSN or anti-terrorism programs. The Executive Office for United States Attorneys (EOUSA) hosted a symposium in Washington, DC on March 1, 2005 to discuss best practices in combating sophisticated gangs. The United States Attorneys from 11 districts, the special agents in charge from the Federal Bureau of Investigation, Drug Enforcement Administration, and the Bureau of Alcohol Tobacco and Firearms, as well as the police chiefs, and U.S. Marshals in those districts attended the symposium. EOUSA used this opportunity to discuss the development of additional gang-related training through the National Advocacy Center (NAC) and other vehicles.

Impact on Performance

The requested resources will be used to support Goal II of the Department's Strategic Plan, *Enforce federal laws and represent the rights and interests of the American people*, and objectives 2.1, *Reduce the threat, incidence, and prevalence of violent crime*, and 2.2, *Reduce the threat, trafficking, and related violence of illegal drugs*.

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 in a coordinated effort to the growing gang problem. The additional FTE requested for the Gang Prosecution Initiative will be used to support gang prosecution efforts, including contract support.

Gang Prosecution Funding

Base Funding

FY 2006 Availability				FY 2007 Estimate				FY 2008 Current Services			
Pos	Agt/ Atty	FTE	Dollars	Pos	Agt/ Atty	FTE	Dollars	Pos	Agt/ Atty	FTE	Dollars
92	77	92	\$13,302,000	153	125	123	\$19,383,000	153	125	153	\$23,826,000

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position	Number of Positions Requested	FY 2008 Request	FY 2009 Net Annualization (Change from 2008)
Attorney	\$115,345	30	\$3,460,350	\$2,579,850
Paralegal	\$63,656	8	\$509,248	\$280,648
Support	\$51,386	0	\$0	\$0
Total Personnel		38	\$3,969,598	\$2,860,498

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2008 Request	FY 2009 Net Annualization (Change from 2008)
Contract Support	\$54,701	2	\$109,402	N/A
Total Non-Personnel	\$54,701	2	\$109,402	N/A

Total Request for this Item

	Position	Agt/ Atty	FTE	Personnel	Non- Personnel	Total
Current Services	153	125	153	\$23,826,000	\$0	\$23,826,000
Increases	38	30	19	\$3,969,598	\$109,402	\$4,079,000
Grand Total	191	155	172	\$27,795,598	\$109,402	\$27,905,000

IV. Program Increases by Item

Item Name: Project Safe Childhood Initiative

Budget Decision Unit: Criminal

Strategic Goal: 2) Enforce Federal Laws and Represent the Rights and Interests of the American People.

Objectives: 2.1) Reduce the threat, incidence, and prevalence of violent crime, including crimes against children.
2.3) Combat white collar crime, economic crime, and cybercrime.

Program Increase: Positions **93** FTE **47** Dollars **\$9,494,000**
(73 attorneys, 20 support)

Description of Item

In FY 2008, the U.S. Attorneys request **\$9.494 million** for a **Project Safe Childhood Initiative**. This will provide for 93 positions (47 FTE), which includes 73 attorney, 3 paralegal, and 17 support positions. The positions will be dedicated to implementing the Attorney General's Project Safe Childhood (PSC) initiative and to prosecute the ever-increasing number of child exploitation and pornography cases across the nation.

Child exploitation and pornography are profound evils that exploit children, shatter lives, and rob youth of their innocence. Our society has a duty to protect children from exploitation and danger and to tirelessly pursue those who commit these heinous crimes. There is no place for complacency when it comes to protecting our children. The Attorney General's priorities include a high-profile strategy of preventing crimes against children by enforcing laws against obscenity, child pornography, and other child exploitation crimes. Accordingly, Attorney General Alberto R. Gonzales announced Project Safe Childhood on February 15, 2006. He formally kicked off this comprehensive and coordinated robust response to combat the online exploitation and victimization of children on May 17, 2006.

Project Safe Childhood is modeled on the blueprint of the successful Project Safe Neighborhoods (PSN) initiative, a nationwide program started in 2001 to reduce gun crime in America. As with PSN, PSC creates, on a national platform, locally designed partnerships of federal, state, local and tribal law enforcement officers in each federal judicial district to investigate and prosecute Internet-based crimes against children. Each U.S. Attorney will designate a PSC coordinator. Each coordinator will build partnerships, develop strategic plans and implement accountability measures. With the U.S. Attorney as the convener, each local community will be able to design and implement programs that are uniquely tailored to its needs, while maximizing the impact of national resources and expertise. Through the building of PSC partnerships in each district, the

development and district-specific strategic plans can be accomplished. The reporting of results on a semi-annual basis will ensure accountability.

The PSC partnerships in every district will aim to address the five major components of the initiative listed below:

- Integrated federal, state, and local efforts to investigate and prosecute child exploitation cases, and to identify and rescue child victims;
- Participation of PSC partners in coordinated national initiatives;
- Increased federal involvement in child pornography and enticement cases;
- Training of federal, state, and local law enforcement; and
- Community awareness and educational programs.

Justification

As with gun laws, some state laws pertaining to child pornography are shockingly lenient. In certain states, for instance, possession of child pornography is a misdemeanor offense. Federal prosecution of child exploitation offenders, on the other hand, can result in significant jail time. In the federal system, a number of child pornography cases are subject to mandatory minimum sentences. For example, those convicted of production of child pornography are subject to a mandatory minimum term of incarceration of not less than 15 years pursuant to 18 U.S.C. § 2251(e). Those convicted of trafficking and receipt of child pornography are subject to a five year mandatory minimum penalty. Accordingly, federal prosecution of child pornographers will result in meaningful penalties, particularly since there is no possibility of parole in the federal system.

Child pornography and other child exploitation offenses are increasing, and the abuses are growing more severe. Moreover, child sex offenders are dangerous offenders who cause serious, lasting damage to our children. The Internet facilitates the sexual exploitation of children through child enticement offenses. This activity is a growing threat to the safety of children in the United States and, indeed, throughout the world.

The number of child abuse/pornography cases filed by U.S. Attorneys has risen from 893 in FY 2000 to 1,601 in FY 2006, an increase of almost 80 percent. The number of cases pending or backlog has also increased dramatically, rising from 785 cases in FY 2000 to 1,732 in FY 2006, an increase of over 120 percent. As evidence of the stiffer sentences in federal courts, the percent of persons found guilty of child abuse/ pornography offenses who have received jail sentences of 37 months or more, including life sentences, has increased from 44.4 percent in FY 2000 to 78.9 percent in FY 2006.

The widespread proliferation of child exploitation via the Internet is evidenced in part by increasing federal enforcement activities. For example, since the FBI launched its Innocent Images National Initiative to target child pornography and child enticement, FBI arrests under the program jumped 1,015 percent between 1996 and 2003 nationally. In the same period, the

number of cases investigated rose by 2,050 percent. Child exploitation crimes are also investigated by the United States Postal Inspection Service (USPIS). Since 1996, USPIS investigations, arrests and convictions have also risen substantially. Immigration and Customs Enforcement (ICE), the largest investigative arm of the U.S. Department of Homeland Security, also exercises jurisdiction over federal child exploitation crimes involving the Internet. Investigations conducted by ICE in their highly successful program Operation Predator, which was designed to protect young people from a myriad of child exploitation crimes including child pornography, have resulted in thousands of arrests. One ICE case investigated jointly with the USPIS and the Internal Revenue Service Criminal Investigative Division has resulted in the arrest of over 1,200 child pornographers, of which more than 1,000 were foreign nationals arrested abroad.

As part of the FY 1998 Justice Appropriations Act (Pub. L. No. 105-119), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) was directed to create a national network of state and local law enforcement cyber units to investigate cases of Internet crimes against children. The result of the directive was the Internet Crimes Against Children (ICAC) Task Forces. The ICAC program was developed in response to the increasing number of children and teenagers using the Internet, the proliferation of child pornography, and heightened online activity by predators searching for unsupervised contact with underage victims. The ICAC Task Force program helps state and local law enforcement agencies develop an effective response to cyber enticement and child pornography cases through the use of forensic and investigative components, training and technical assistance, victim services, and community education. Forty-six task forces have been established throughout the nation.

ICACs are also experiencing increased reports of child exploitation offenses and have successfully investigated and referred large numbers of cases for prosecution. In FY 2003, ICACs received 3,741 reports of Internet crimes against children, including but not limited to traveler, enticement and child pornography complaints. In FY 2004, that number rose to 24,138. In FY 2005, ICACs received 198,883 complaints of Internet crimes against children. The largest number of complaints (154,545) were reports of child pornography distribution, and the second largest number (34,062) were complaints of child pornography manufacturing. The dramatic increase from FY 2004 to FY 2005 in the number of child pornography manufacturing and distribution complaints is linked to ICAC undercover operations in Internet based file sharing applications (i.e., peer to peer networks). The data was only captured during the first three months of FY 2005, when it became apparent that the sheer volume of complaints was beyond the ability of the task forces to reasonably address. Since November 2004, ICAC Task Forces have recorded over 8 million transactions of individuals sharing child pornography in file sharing networks. These efforts are resulting in large numbers of prosecutions of child exploitation cases.

In FY 2006 the total number of complaints of Internet crimes against children was 20,093. In FY 2006, there were 5,464 complaints specific to online enticement and/or traveler cases where individuals were intent on meeting a child for the purpose of sexual victimization, compared to 3,429 such complaints in FY 2005, an increase of 2,035 or 59 percent.

In addition to the efforts by federal law enforcement agencies and ICACs, countless other state and local law enforcement agencies throughout the nation devote significant resources to the investigation and prosecution of the exploitation of children via the Internet.

Federal prosecutions of crimes against children, including child pornography crimes and enticement crimes, are also on the rise. In the course of the last three years, the Child Exploitation and Obscenity Section (CEOS) of the U.S. Department of Justice, Criminal Division, has increased the number of cases and investigations handled by more than 450 percent.

Child Pornography and Sexual Solicitation of Children by Predators Continue to Proliferate Online

All this hard work – by federal, state and local law enforcement – has made the Internet safer for our Nation’s children, but the sheer scope of the problem is immense and continues to grow at an alarming rate. The threat of sexual predators contacting children online, with the hope of luring them to meet in person, has been shockingly demonstrated by recent investigative journalist efforts, as well as by long-standing studies. According to a recent Dateline report, at any given time 50,000 predators are on the Internet prowling for children.

Victimization of children through the production and distribution of child pornography is also on the rise. Disturbingly, child pornography generates at least a \$3 billion annually, and more than 20,000 images of child pornography are posted on the Internet each week. The National Center for Missing and Exploited Children’s (NCMEC) CyberTipline logged a 39 percent increase in reports of possession, creation, or distribution of child pornography in 2004. Consequently, 2004 marked the seventh consecutive year that child pornography incidents have trended significantly upward since NCMEC set up its 24-hour hotline in 1998. The gravity of these increases is more dramatically demonstrated by comparing the actual number of reports in 1998 to those logged in 2004, rather than merely reciting percentage increases. In 1998, the CyberTipline received 3,267 reports of child pornography. In 2004, the CyberTipline received 106,119 reports, marking more than a **30-fold** increase in child pornography reports in a six year period.

Not only is there an increase in the volume of pornographic images, there is also an escalation in the severity of the abuse depicted, with images found today frequently involving younger children. The images are more often depicting despicable acts such as penetration of infants and toddlers. Technology is also lending itself to the dissemination of more graphic images via the web. For example, recently a sex offender raped an 8-year-old boy, while transmitting the images live to another man through the use of “streaming video.”

These Escalating Trends Present a Serious Risk to our Society

The harm caused when sexual predators entice children to meet in person to commit physical sexual offenses is well-recognized and beyond question. Sexual abuse is a serious offense that deeply affects the victim, especially a child. Its secondary effects on our society cannot be gainsaid.

Unfortunately, the impact of child pornography on its victims, and on society, is far less appreciated today. The very term commonly used to describe these terrible images – child pornography – does not adequately convey the horrors these images depict. A more accurate term would be “images of child sexual abuse,” because the production of these images involves the sexual abuse of a child. These images are thus permanent visual records of child sexual abuse, and the child is victimized and re-victimized, again and again, each time they are viewed.

According to a 2005 study entitled “Child-Pornography Possessors Arrested in Internet-Related Crimes: Findings from the *Nation Juvenile Online Victimization Study*,” which studied defendants arrested and charged with possession of child pornography between July 2000 and June 2001. More than 80 percent of arrested child pornography possessors had images of prepubescent children, and 80 percent had images of minors being sexually penetrated. Approximately 1 in 5 (21 percent) arrested child pornography possessors had images of children enduring bondage, sadistic sex, and other sexual violence. More than 1 in 3 (39 percent) child pornography possessors had videos depicting child pornography with motion and sound.

Although their identities are often unknown, many of the children depicted in these graphic images were sexually victimized and assaulted. Those who possess these pictures – for sexual gratification, curiosity, as a means of profit, or for other reasons – are adding to the burdens of these young victims, whose trauma may be increased by knowing their pictures are circulating globally on the Internet with no hope of permanent removal or could be entered into circulation in the future.

Conclusion

Investigations and prosecutions of child exploitation crimes are rising and reports to NCMEC’s CyberTipline are up exponentially. The content of child pornography is more graphic and sadistic, and it involves more babies and young children than in the past. The measures taken to this point have not served to lessen the number of incidents of child exploitation. Indeed, all of the evidence leads to the conclusion that the exploitation of children is a burgeoning problem.

The alarming increase in child pornography and exploitation matters and cases in the last seven years has led to the Attorney General’s recently announced Project Safe Childhood, a priority initiative modeled after the successful Project Safe Neighborhoods (PSN) program. Some districts have already begun setting up task forces of federal, state and local law enforcement officers to escalate the investigation and prosecution of child exploitation matters and cases.

One of the central strategies of Project Safe Childhood is increased federal prosecution of child exploitation offenses. This involves increased referrals of cases for federal prosecution from the nation’s ICAC Task Forces and state and local law enforcement, which historically have referred a very large percentage of the cases they investigate to state prosecutors. Given the known

increase in child exploitation, the expected increases in case referrals will seriously tax the resources of all U.S. Attorneys' Offices, particularly those offices that are already struggling to handle the increased referral of gun crime cases precipitated by the PSN program. This request will help the U.S. Attorney community to achieve its goal of reducing the epidemic of child exploitation facilitated by the Internet.

Impact on Performance

The additional prosecutorial resources will address the rising caseload for the Attorney General's priority initiative, Project Safe Childhood, specifically the increases of child exploitation and pornography on the Internet. The additional resources to hire prosecutors and for contract support will help address two objectives the Department of Justice's Strategic Plan-- Strategic Goal 2: *2.1 - reduce the threat, incidence, and prevalence of violent crime, including crimes against children, and 2.3 – combat white collar, economic crime, and cybercrime.*

Project Safe Childhood Funding

Base Funding

FY 2006 Availability				FY 2007 Estimate				FY 2008 Current Services			
Pos	Agt/ Atty	FTE	Dollars	Pos	Agt/ Atty	FTE	Dollars	Pos	Agt/ Atty	FTE	Dollars
141	94	141	\$21,000,000	167	115	154	\$24,045,000	167	115	167	\$26,281,000

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position	Number of Positions Requested	FY 2008 Request	FY 2009 Net Annualization (Change from 2008)
Attorney	\$115,345	73	\$8,420,185	\$6,277,635
Paralegal	\$63,656	3	\$190,968	\$105,243
Support	\$51,386	17	\$873,562	\$573,512
Total Personnel		93	\$9,484,715	\$6,956,390

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2008 Request	FY 2009 Net Annualization (Change from 2008)
Contract Support	\$9,285	N/A	\$9,285	N/A
Total Non-Personnel	\$9,285	N/A	\$9,285	N/A

Total Request for this Item

	Position	Agt/ Atty	FTE	Personnel	Non- Personnel	Total
Current Services	167	115	167	\$26,281,000	\$0	\$26,281,000
Increases	93	73	47	\$9,484,715	\$9,285	\$9,494,000
Grand Total	260	188	214	\$35,765,715	\$9,285	\$35,775,000

B. CIVIL**United States Attorneys
Salaries and Expenses
(Dollars in Thousands)**

Civil Litigation	Perm. Pos.	Workyears	Amount
2006 Enacted w/Rescissions and Supplementals	2,136	2,219	\$335,956
2007 Estimate	2,142	2,225	\$349,821
Adjustments to Base and Technical Adjustments	...	...	17,545
2008 Current Services	2,142	2,225	\$367,366
2008 Program Increases	...	...	...
2008 Offsets			
2008 Request	2,142	2,225	\$367,366
Total Change 2007-2008	...	...	\$17,545

1. Program Description–Civil Decision Unit

Civil litigation pursued by the United States Attorneys (USAs) falls into two basic categories: affirmative litigation, where the United States is the plaintiff, and defensive litigation, where the United States is the defendant. Affirmative litigation cases are actions taken by USAs to assert and protect the government's interests, and they include such issues as the enforcement of the nation's environmental, admiralty, and civil rights laws, as well as the recovery of damages done to the government through fraud. USAs also use affirmative litigation to recoup money owed and recover damages done to the government. Defensive litigation cases are lawsuits brought against the government by those who allege suffering due to government actions, and they include such issues as the adjudication of Social Security disability claims, alleged contract violations, and alleged race, sex, and age discrimination. USAs may also be called upon to represent the United States in cases which are not clearly defined as either affirmative or defensive litigation but in which the government has an interest, such as bankruptcy cases in which the United States is a party.

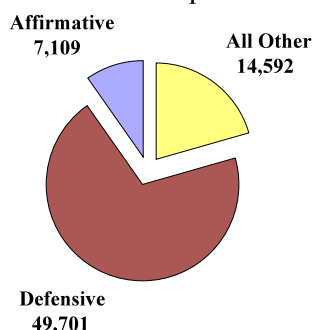
One key difference between affirmative litigation cases and defensive litigation cases is that while USAs have some discretion in deciding which affirmative cases they will pursue, USAs **must** defend the government in all defensive litigation cases. Due to the fact that the federal government's obligations in the area of defensive litigation are non-delegable, the amount of resources remaining to pursue affirmative litigation cases by United States Attorneys' Offices (USAOs) has resulted in a substantial decrease in cases filed in this area, as shown in the data below.

Affirmative civil cases can bring in substantial resources to the federal government as USAOs collected \$3.72 billion in civil debts in FY 2006. In recent cases, Gambro Healthcare agreed to pay \$310 million to resolve civil liabilities stemming from alleged kickbacks paid to physicians and payments made to a sham medical equipment company. GalxoSmithLine (GSK) agreed to pay the government \$150 million to settle charges it violated the False Claims Act in a scheme to increase market share by reporting false and misleading information about the price of two anti-nausea drugs.

Civil matters and cases represent a significant part of the USAs' workload. In FY 2006, USAs received 80,760 civil matters, which represented 42 percent of the 191,453 criminal and civil matters received during the fiscal year. Of the civil matters received, 50,853 or 63 percent were defensive matters, 12,675 or 16 percent were affirmative matters, and 17,232 or 21 percent were other civil matters. USAs filed or responded to 71,402 civil cases in FY 2006, which represented 55 percent of the 130,104 criminal and civil cases filed during the fiscal year. Of the civil cases filed, 49,701 or 70 percent were defensive cases, 7,109 or 10 percent were affirmative cases, and 14,592 or 20 percent were other civil cases.

Civil Workload

FY 2006 Cases Filed/Responded to - 71,402



Between FY 2003 and FY 2006, the number of civil cases filed or responded to decreased by 10,533 or 13 percent from 81,935 cases to 71,402, while the number of civil cases referred to USAs decreased by 9,199 or 10 percent from 89,959 in FY 2003 to 80,760 cases in FY 2006. As a result, the number of defensive civil cases filed has decreased by 4,507 or 8 percent from 54,208 cases in FY 2003 to 49,701 in FY 2006. The number of affirmative cases filed has decreased by 1,841 cases or 21 percent, from 8,950 cases in FY 2003 to 7,109 in FY 2006.

In FY 2006, 98 percent of all judgments in affirmative civil cases were in favor of the United States, the highest favorable judgment rate of all case classes. Through affirmative litigation, USAs collected \$3.72 billion in civil debts owed to the United States, more than twice the amount the U.S. Attorneys' FY 2006 budget and an increase of \$1.34 billion or 56 percent over the amount of debts collected in FY 2005.

2. Performance, Resources, and Strategies

The civil decision unit contributes to the Department's Strategic Goal 2: Enforce Federal Laws and Represent the Rights and Interests of the American People. Within this goal, the decision unit's resources specifically address two of the Department's Strategic Objectives: 2.4 - uphold the civil and Constitutional rights of all Americans, and protect vulnerable members of society; and 2.5 - enforce federal statutes, uphold the rule of law, and vigorously represent the interests of the United States in all matters for which the Department has jurisdiction.

a. Performance Plan and Report for Outcomes

Prosecution of civil litigation is an essential and vital component of the mission of the U.S. Attorneys. Civil cases are used to prosecute fraud, waste, and abuse in federal programs and ensures 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

government must be defended. USAs represented the government in 49,701 defensive civil cases that were filed in court during FY 2006. The U.S. Attorneys' success in civil litigation preserves taxpayers' dollars through affirmative and defensive litigation and ensures meeting the requirements and intent of federal laws and programs.

The performance measure for civil litigation relates to the percent of judgments and settlements resolved in favor of the government. The target for FY 2006 was 85 percent and the actual figure was 83.8 percent. The performance goal for FY 2007 and FY 2008 is to reach an 85 percent favorable resolution rate.

b. Strategies to Accomplish Outcomes

The challenge is to maintain the favorable resolution rate of 85 percent through the use of efficiencies with existing resources. Productivity will be increased through improved technologies and litigation support services, providing resources for continued support to pursue discretionary cases, such as the affirmative litigation caseload. These cases often bring in substantial revenue to the Government, providing a positive return on the investment of resources to bring these cases.

PERFORMANCE AND RESOURCE TABLE

Decision Unit: Civil DOJ Strategic Goal/Objective: GOAL III/ Strategic Objectives: 2.4, 2.5 WORKLOAD/ RESOURCES		Final Target		Actual		Estimate		Changes		Requested (Total)			
		FY 2006 FTE	\$000	FY 2006 FTE	\$000	FY 2007 FTE	\$000	Current Services Adjustments FTE	\$000	FY 2008 Program Change FTE	\$000	FY 2008 Request FTE	\$000
Workload		102,232		95,814		86,233		0	\$17,545	0	0	89,682	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		2,370	\$335,956 [34,400]	2,219	\$335,956 [34,400]	2,225	\$349,821 [34,400]	0	\$17,545	0	0	2,225	\$367,366 [34,400]
TYPE/ Strategic Objective		Final Target		Actual		Estimate		Current Services Adjustments		Changes		Requested (Total)	
Performance		FY 2006 FTE	\$000	FY 2006 FTE	\$000	FY 2007 FTE	\$000	FTE	\$000	FY 2008 Program Change FTE	\$000	FY 2008 Request FTE	\$000
Civil Litigation		2,370	\$335,956 [34,400]	2,219	\$335,956	2,225	\$349,821 [34,400]	0	\$17,545	0	0	2,225	\$367,366 [34,400]
Performance Measures		50,500		43,836		39,452		789		789		41,030	
Number of Judgments In Favor of U.S. and Settlements		42,925		36,724		33,534		671		671		34,876	
OUTCOME		85.0%		83.8%		85.0%						85.0%	

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 USA offices. Data is also taken from the United States Attorneys' central case management system, which contains district information including criminal matters, cases, and appeals. The United States Attorneys' offices are required to submit bi-yearly 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.

PERFORMANCE MEASURE TABLE											
Decision Unit: Civil											
Performance Report and Performance Plan Targets											
	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008		
	Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target		
Program Activity - Civil Litigation											
Performance Measure											
Number of Total Judgements and Settlements	46,965	46,735	47,681	48,038	47,352	50,258	50,500	43,836	39,452	41,030	
Number of Judgements in Favor of the U.S. and Settlements	39,643	39,331	40,406	41,121	39,523	41,638	42,925	36,724	33,534	34,876	
OUTCOME Measure	84.4%	84.2%	84.7%	85.6%	83.5%	82.8%	85.0%	83.8%	85.0%	85.0%	
Percentage of Cases Favorably Resolved											

C. LEGAL EDUCATION

United States Attorneys Salaries and Expenses (Dollars in Thousands)

Legal Education	Perm. Pos.	Workyears	Amount
2006 Enacted w/Rescissions and Supplementals	38	39	\$17,825
2007 President's Budget	41	40	\$19,275
Adjustments to Base and Technical Adjustments	...	2	473
2008 Current Services	41	42	\$19,748
2008 Program Increases	...	...	...
2008 Offsets			
2008 Request	41	42	\$19,748
Total Change 2007-2008	...	2	\$473

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 (DOJ) 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 augmented by a conference and research center with student and support services on site.

Continuing legal education credit is provided through OLE for many OLE-sponsored courses. OLE is the primary source of instruction for DOJ attorneys and Assistant United States Attorneys (AUSAs) from the 94 USAOs. Basic programs for newly hired attorneys include criminal, civil, and appellate advocacy; federal practice seminars; and specialty courses in priority substantive areas of the law. Advocacy skills programs are available to new and advanced trial attorneys. The Federal Practice Program is designed for attorneys with litigation experience who are new to the federal civilian legal system (e.g., former state and military prosecutors), and as continuing training for Department attorneys after the basic criminal, civil, and appellate advocacy courses.

OLE uses experienced federal trial and appellate attorneys as instructors for all its programs 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. Finally, OLE has met the high demand for attorney management training for senior criminal and civil attorneys by providing management courses for attorney supervisors of all levels.

OLE conducts programs on federal, civil, and administrative law practices for attorneys in the Executive Branch, including those in the Department of Justice. OLE offers training in civil discovery and trial techniques; negotiation techniques; and administrative law areas such as bankruptcy, the Freedom of Information Act, ethics, environmental law, federal employment, regulatory processes, government contracts, legal research and writing for attorneys, management of attorneys, and computer crime. Course instruction emphasizes the realities of federal practice. Federal attorneys from every agency, including the Department of Justice, are participants as well as advisors, curriculum developers, lecturers, and instructors. Most instructors come from a cadre of federal prosecutors. On a few occasions, OLE also contracts with professional educators as instructors for these courses.

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., legal secretaries, systems managers, etc.) in USAOs is provided through OLE, which develops the curriculum, recruits instructors, and assists local offices with administering the courses.

OLE operates a videotape lending library for USAOs and federal agencies. In addition, commercially produced tapes by recognized legal experts have been purchased by OLE, and the tapes are sent to offices upon request to supplement their in-house training programs. The completion of a video production studio at the National Advocacy Center (NAC) has provided the capability to produce videotapes and other distance education materials. This has increased the number of tapes available and enhanced the ability to keep videotaped presentations current by updating them to include recent legislation, policy changes or court decisions. In addition, during FY 2006, OLE began using podcasts on an experimental basis as a further method for distributing materials.

OLE began the Justice Television Network (JTN) during FY 2001. JTN is a satellite-based system that provides training and news to the 93 United States Attorneys' offices (USAOs), as well as branch offices. The JTN schedule includes 40 hours of programming each week, and a 15 hour "re-feed" to the West Coast each workday.

2. Performance, Resources, and Strategies

The Legal Education decision unit contributes to the Department's Strategic Goal I: Prevent Terrorism and Promote the Nation's Security. Within this goal, the decision unit's resources specifically address two of the Department's Strategic Objectives: 1.1- Prevent, disrupt, and defeat terrorist operations before they occur; and 1.2 - Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States.

The Office of Legal Education also contributes to Goal II: Enforce Federal Laws and Represent the Rights and Interests of the American People. Within this goal, the decision unit's resources specifically address five of the Department's Strategic Objectives: 2.1 - Reduce the threat, incidence, and prevalence of violent crime, including crimes against children; 2.2 - Reduce the threat, trafficking, use, and related violence of illegal drugs; 2.3 - Combat white collar, economic crime, and cybercrime; 2.4 - Uphold the civil and Constitutional rights of all Americans, and protect vulnerable members of society; and 2.5 - Enforce federal statutes, uphold the rule of law, and vigorously represent the interests of the United States in all matters for which the Department has jurisdiction.

a. Performance Plan and Report for Outcomes

As illustrated in the Performance and Resource Table, the performance outcome measure for this decision unit is the number of students trained. In FY 2006, OLE trained 21,491 people, compared to 16,913 in FY 2005. Of the total number trained in FY 2006, 13,181 students were trained in 206 classroom courses, 2,704 received CLE credit for JTN training; 1,782 were trained through OLE's videotape lending program; and 3,824 were trained in courses co-sponsored by OLE in U.S. Attorney Offices around the country. In addition, in FY 2006 OLE trained approximately 220 state and local prosecutors in live courses covering issues of importance to federal, state, and local prosecutors. This compares to approximately 200 state and local prosecutors trained in FY 2005.

The total number of students trained in combined classroom and satellite training was 21,491 in FY 2006, compared with the planned level of 16,000. In FY 2007, the number of students planned to be trained will be 19,342, and that number will rise to 20,116 in FY 2008.

Since the opening of the NAC in April 1998, OLE has engaged in a collaborative effort with the National District Attorneys Association (NDAA) and the Executive Office for United States Trustees to create a premier training center that brings together federal, state, and local prosecutors to train in a state-of-the-art facility. Training for NDAA personnel is paid for through a grant administered by the Office of Justice Programs.

The Publications Unit of the Office of Legal Education edits and publishes the *United States Attorneys' Manual*, the *United States Attorneys' Bulletin*, and a number of practical skills manuals. During FY 2006, the OLE Publications Unit published six issues of the *United States Attorneys' Bulletin*. OLE also published a revision to *Prosecuting Intellectual Property Crime*, and reprinted and distributed several other books from OLE's "Blue Book" series. The unit procures and distributes the *United States Sentencing Commission Guidelines Manual* to U.S. Attorney Offices. This unit also produces the USA Book Online Library, which has now grown to include hundreds of policy manuals, textbooks, and monographs and has become a federal practice encyclopedia. The CD-Rom version of the online library is used by Department attorneys and investigators working at home, on travel, on detail, or whenever they do not have access to the Department's Intranet.

b. Strategies to Accomplish Outcomes

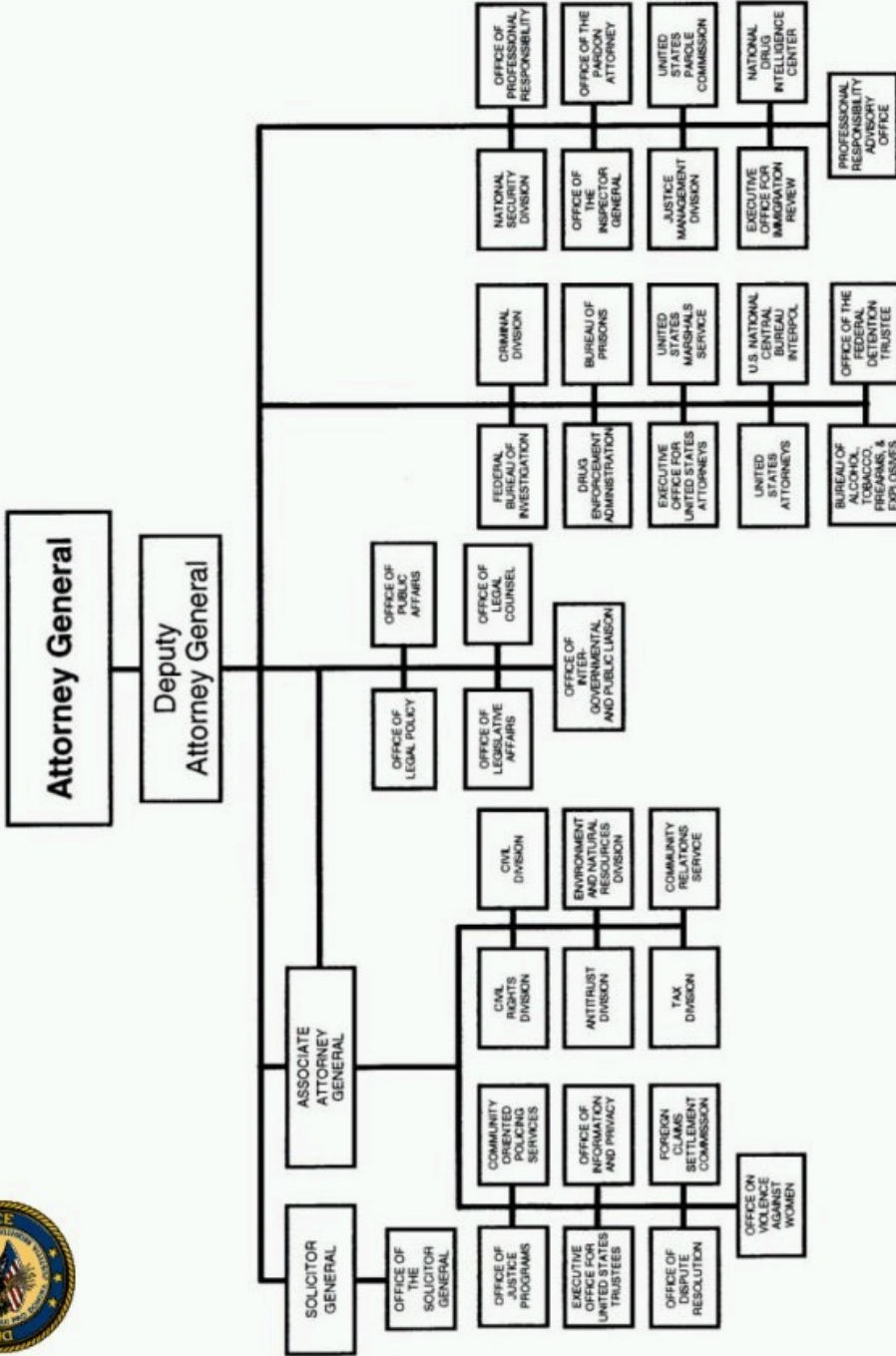
The U.S. Attorneys will continue to ensure that a high quality legal education program is available for basic and advanced legal training through traditional classroom instruction and expanded use of JTN and distance learning. Additional training will need to be provided for new initiatives such as immigration; gangs; and child exploitation and obscenity prosecutions.

PERFORMANCE AND RESOURCE TABLE												
Decision Unit: Legal Education												
DOJ Strategic Goal/Objective: GOAL II/ Strategic Objectives: 2.4, 2.5												
WORKLOAD/ RESOURCES												
Workload Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	Final Target		Actual		Estimate		Changes		Requested (Total)			
	FY 2006 FTE	\$000	FY 2006 FTE	\$000	FY 2007 FTE	\$000	Current Services Adjustments FTE	\$000	FY 2008 Program Change FTE	\$000	FY 2008 Request FTE	\$000
	39	\$17,825	39	\$17,825	40	\$19,275	2	\$386	0	\$0	42	\$19,661
	[0]	[0]	[0]	[0]	[0]	[0]						[0]
TYPE/ Strategic Objective	Final Target		Actual		Estimate		Changes		Requested (Total)		Requested (Total)	
Performance	FY 2006	\$000	FY 2006	\$000	FY 2007	\$000	Current Services	\$000	FY 2008	\$000	FY 2008 Request	\$000
TRAINING	FTE		FTE		FTE		Adjustments		FTE		FTE	
Program Activity	39	\$17,825	39	\$17,825	40	\$19,275	2	\$386	0	\$0	42	\$19,661
	[0]	[0]	[0]	[0]	[0]	[0]						[0]
Performance Measures	16,000		21,491		19,342						20,116	
OUTCOME												

V. EXHIBITS



U.S. DEPARTMENT OF JUSTICE



Approved by:  Alberto R. Gonzales
Attorney General

Date: 3-13-04

B: Summary of Requirements

Summary of Requirements
United States Attorneys
(Dollars in thousands)

	Pos.	FTE	Amount		Pos.	FTE	Amount		Pos.	FTE	Amount		Pos.	FTE	Amount
2006 Enacted with Rescissions	10,087	10,207	\$1,579,565												
2006 Supplementals			\$20,500												
Total 2006 Appropriation Enacted (with Rescissions and Supplementals)	10,087	10,207	\$1,600,065												
2007 President's Budget	10,262	10,298	\$1,664,400												
2007 Continuing Resolution Level	10,262	10,298	\$1,579,565												
2007 Estimate	10,262	10,298	\$1,638,745												
2007 Rescission Against Balances			(\$13,365)												
2007 Estimate (w/Rescission)	10,262	10,298	\$1,625,380												
Technical Adjustments:															
Restoration of 2007 Prior Year Rescission			\$13,365												
Total, Technical Adjustments			\$13,365												
Adjustments to Base															
Increases:															
2006 Pay Raise (3%)			\$25,523												
Annualization of FY 2007 Pay Raise (2.2%)			11,009												
Annualization of Positions Requested in the 2007 President's Budget		74	9,376												
Administrative Salary Increases			8,565												
DHS Security Changes			3,175												
GSA Rent			11,995												
Change in Compensable Days			8,638												
Thrift Savings Plans			2,216												
Employees Compensation Fund			113												
Electronic Case Filing (PACER)			2,000												
Health Insurance			3,378												
Security Investigations			1,166												
Guard Service Adjustment in Leased Space			900												
Moves (lease expirations)			2												
Capital Security Cost Sharing			48												
Total, Adjustments to Base		74	\$88,104												
Total, Adjustments to Base & Technical Adjustments		74	\$101,469												
2008 Current Services	10,262	10,372	\$1,726,849												
Program Increases:															
Border and Immigration Prosecution Initiative	72	36	7,400												
Gang Prosecution Initiative	38	19	4,079												
Project Safe Childhood (PSC) Initiative	93	47	9,494												
Subtotal, Program Increases	203	102	\$20,973												
2008 Total Request	10,465	10,474	\$1,747,822												
2007 - 2008 Total Changes	203	176	\$122,442												
Estimates by Program															
2006 Enacted															
w/ Rescissions and Supplementals															
2007 Estimate															
2008 ATBs															
Technical Adjustments															
Criminal Litigation	7,923	7,949	\$1,246,284												
Civil Litigation	2,136	2,219	335,956												
Legal Education	38	39	17,825												
Total	10,097	10,207	\$1,600,065												
Reimbursable FTE		1,424													
Total FTE		11,631													
Other FTE:															
Holiday		0													
Overtime		71													
Other		71													
Total Compensable FTE		11,702													

The Department of Justice 2008 Budget Request was built on a starting point that recognized progress in enacting the FY 2007 appropriation. The starting point used (referred to throughout this document as the "Estimate") is the average of the technical adjustment shown above was based on the FY 2007 President's Budget proposed rescission of unobligated Project SeaHawk balances of \$27 million. The \$13,365 million calculation is the average minus one percent of the FY 2007 House passed bill, which did not approve the rescission, and the Senate Committee mark, which included the full \$27 million rescission of unobligated balances.

C: Program Increases/Offsets by Decision Unit

FY 2008 Program Increases / Offsets By Decision Unit
 United States Attorneys
 (Dollars in thousands)

Program Increases	Location of Description by Decision Unit	Criminal Litigation			Civil Litigation			Office of Legal Education			Total Increases		
		Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Border and Immigration Prosecution Initiative	22	72	36	\$7,400	...	...	...	...	...	...	...	...	...
Gang Prosecution Initiative	28	38	19	4,079	...	...	...	...	...	...	...	...	...
Project Safe Childhood (PSC) Initiative	32	93	47	9,494	...	...	...	...	...	...	...	...	...
Total, Program Improvements		203	102	\$20,973	...	...	...	...	...	...	...	...	...

D: Resources by DOJ Strategic Goal and Objective

Resources by Department of Justice Strategic Goal/Objective
United States Attorneys

(Dollars in Thousands)

Strategic Goal/Objective	2006 Enacted w/Rescissions and Supplementals		2007 Estimate		2008 Current Services		2008 Increases		2008 Request	
	Dir/Reimb FTE	Direct Amount \$000s	Dir/Reimb FTE	Amount \$000s	Dir/Reimb FTE	Amount \$000s	Dir/Reimb FTE	Amount \$000s	Dir/Reimb FTE	Amount \$000s
Goal 1: Prevent Terrorism and Promote the Nation's Security										
1.2: Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States	567	\$84,090	569	\$86,022	569	\$87,742	0	\$0	569	\$87,742
Subtotal, Goal 1	567	\$84,090	569	\$86,022	569	\$87,742	0	\$0	569	\$87,742
Goal 2: Enforce Federal Laws and Represent the Rights and Interests of the American People										
2.1 Reduce the threat, incidence, and prevalence of violent crime, including crimes against children.	3,286	\$504,309	3,389	\$516,262	3,439	\$543,205	102	\$20,973	3,541	\$564,178
2.2: Reduce the threat, trafficking, use and related violence of illegal drugs	2,764	260,686	2,753	269,684	2,753	280,097			2,753	\$280,097
2.3: Combat white collar crime, economic crime, and cybercrime	2,649	415,024	2,672	423,774	2,696	453,177			2,696	\$453,177
2.4: Civil rights/exploitation crimes	25	3,363	25	3,433	25	3,644			25	\$3,644
2.5: Federal statutes	2,340	332,593	2,354	339,570	2,354	358,984			2,354	\$358,984
Subtotal, Goal 2	11,064	\$1,515,975	11,193	\$1,552,723	11,267	\$1,639,107	102	\$20,973	11,369	\$1,660,080
GRAND TOTAL	11,631	\$1,600,065	11,762	\$1,638,745	11,836	\$1,726,849	102	\$20,973	11,938	\$1,747,822

E. Justification for Base Adjustments

Justification for Base Adjustments

United States Attorneys

Increases

2008 Pay Raise. This request provides for a proposed 3.0 percent pay raise to be effective in January of 2008. (This percentage is likely to change as the budget formulation process progresses.) This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$25,523,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$18,248,945 for pay and \$7,274,055 for benefits).

Annualization of 2007 Pay Raise. This pay annualization represents first quarter amounts (October through December) of the 2007 pay increase of 2.2 percent. The amount requested \$11,009,000 represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$7,871,435 for pay and \$3,137,565 for benefits).

Annualization of Additional Positions Approved in 2007. This provides for the annualization of 149 additional positions requested in the 2007 President's budget. Annualization of new positions extends to 3 years to provide for entry level funding in the first year with a 2-year progression to the journeyman level. For 2007, this request includes a decrease of \$1,819,000 for one-time items associated with the increased positions, and an increase of \$11,195,000 for full-year costs associated with these additional positions, for a net increase of \$9,376,000.

	2007 Increases (\$000)	Annualization Required for 2008 (\$000)
Annual salary rate of 149 new positions	13,758	6,885
Less lapse (50 %)	-6,874	
Awards and overtime		330
Net Compensation	6,884	7,215
Associated employee benefits	1,996	1,996
Travel	5,127	38
Transportation of Things	44	44
GSA Rent		1,118
Communications/Utilities	339	328
Printing/Reproduction	95	54
Other Contractual Services:		
25.2 Other Services	3,301	175
25.3 Purchase of Goods and Services from Government Accis.	635	-547
25.7 Operation and Maintenance of Equipment	1,040	
25.6 Medical Care	6	6
Supplies and Materials	282	221
Equipment	3,456	-1,272
TOTAL COSTS SUBJECT TO ANNUALIZATION	23,205	9,376

Administrative Salary Increase. This request provides for an expected annual pay adjustment of Administratively Determined (AD) salaries for the Assistant United States Attorneys occupying ungraded positions in the United States Attorneys offices (\$6,852,000 for pay and \$1,713,000 for benefits), totaling

DHS Security Charges: The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$3,175,000 is required to meet our commitment to DHS, and cost estimates were developed by DHS.

General Services Administration (GSA) Rent: GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$11,995,000 is required to meet our commitment to GSA.

Changes in Compensable Days: The increase costs of two more compensable day in FY 2008 compared to FY 2007 is calculated by dividing the FY 2007 estimated personnel compensation \$802,902,100 and applicable benefits \$320,037,000 by 260 compensable days. The cost increase of two compensable days is \$8,638,000.

Retirement: Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on OPM government-wide estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 3 percent per year. The requested increase of \$2,216,000 is necessary to meet our increased retirement obligations as a result of this conversion.

Employees Compensation Fund: The \$113,000 increase reflects payments to the Department of Labor for injury benefits paid in the past year under the Federal Employee Compensation Act. This estimate is based on the first quarter of prior year billing and current year estimates.

Electronic Case Filing (PACER): The Public Access to Court Electronic Records (PACER) is an electronic service that is operated by the Administrative Office of the United States Courts. It allows users to obtain case and docket information from Federal Appellate, District and Bankruptcy courts. The estimated user fees charged to the Department of Justice will increase in FY 2008 with individual components billed for their share of the cost based upon actual usage. As a result, funding of \$2,000,000 is requested.

Health Insurance: Effective January 2006, this component's contribution to Federal employees' health insurance premiums increases by 5.8 percent. Applied against the FY 2007 estimate of \$57,754,000, the additional amount required is \$3,378,000.

Security Investigations: The \$1,166,000 increase reflects payments to the Office of Personnel Management for security reinvestigations of employees requiring security clearances.

Guard Service Adjustment in Leased Space: The amount the United States Attorneys pay for Federal Protective Service (FPS) and Court Security Officer (CSO) guard service in our 85 leased locations will increase by \$900,000.

Moves (Lease Expirations): GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2008. Funding of \$2,000 is required for this account.

Overseas Capital Security Cost Sharing (CSCS) - object class 12.1 or 25.2

The Department of State (DOS) has embarked on a 14-year \$17.5 billion embassy construction program financed through a Capital Security Cost Sharing (CSCS) Program in which each agency contributes funding based on the number of positions that are authorized for overseas personnel. DOS and the Office of Management and Budget (OMB) established per capita charges, by position type (CAA, non-CAA, etc.), which reflect the costs of construction of the various types of space. The per capita charge is fixed and is being phased in over a five-year period, from FY 2005 (20%) to FY 2009 (100%). Funding of \$48,000 is required for this account.

ATBs must be recalculated following final FY 2007 action.

F: Crosswalk of 2006 Availability

Crosswalk of 2006 Availability
United States Attorneys
Salaries and Expenses
(Dollars in Thousands)

	FY 2006 Enacted w/o Rescission		Rescissions		Supplementals *		Reprogrammings/Transfers		Unobligated Balance Brought Forward and Recoveries		Final 2006 Availability	
	Perm. Pos.	FTE	Amount	Perm. Pos.	FTE	Amount	Perm. Pos.	FTE	Amount	Perm. Pos.	FTE	Amount
Estimates by Program												
Criminal Litigation.....	8,019	8,045	\$1,241,529	(96)	(96)	(\$15,745)	...	...	\$26,750	7,923	7,949	\$1,274,807
Civil Litigation.....	2,166	2,249	340,283	(30)	(30)	(4,327)	...	...	...	2,136	2,219	335,956
Legal Education.....	38	39	18,188	...	...	(363)	...	...	...	38	39	17,825
Total.....	10,223	10,333	\$1,600,000	(126)	(126)	(20,435)	...	...	\$26,750	10,097	10,207	\$1,628,588
Reimbursable Workyears.....		1,433		(9)	(9)		...	...			1,424	
Total Workyears.....		11,766		(135)	(135)		...	...			11,631	
Other Workyears: Overtime.....		71		...	...		...	...			71	
Total Compensable Workyears		11,837		(135)	(135)		...	...			11,702	

Unobligated Balance, Brought Forward

Of the \$26.750 million available from unobligated balances, \$26.135 million was available only for Project Seahawk.

FY 2006 enacted position and FTE balances include a reduction of 29 FTE associated with .28% CIS rescission and 97 FTE associated with 1% Defense rescission for a total reduction of 126 positions and FTE.

* The United States Attorneys received two separate supplementals in FY 2006. Public Law 109-148, the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 provided money for Hurricane Katrina (\$9.0 million). Public Law 109-234, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 provided funding for national security investigations and prosecutions (\$3.0 million), fraud cases resulting from hurricanes in the Gulf Coast region (\$6.5 million), and for increased border security efforts (\$2.0 million).

G: Crosswalk of 2007 Availability

Crosswalk of 2007 Availability
 United States Attorneys
 Salaries and Expenses
 (Dollars in Thousands)

Estimates by Program	FY 2007 Estimate			Rescissions			Reprogrammings/Transfers			Unobligated Balance Brought Forward and Recoveries			2007 Availability		
	Perm. Pos.	FTE	Amount	Perm. Pos.	FTE	Amount	Perm. Pos.	FTE	Amount	Perm. Pos.	FTE	Amount	Perm. Pos.	FTE	Amount
Criminal Litigation.....	8,079	8,033	\$1,269,649	...	...	...	...	...	...	...	...	...	8,079	8,033	\$1,310,266
Civil Litigation.....	2,142	2,225	349,821	...	...	...	...	...	...	...	...	...	2,142	2,225	349,821
Legal Education.....	41	40	19,275	...	...	...	...	...	...	...	...	...	41	40	19,275
Unobligated Balance Rescission Total.....	10,262	10,298	\$1,638,745	...	...	...	...	...	...	...	...	...	10,262	10,298	\$1,679,362
Reimbursable Workyears.....															
Total Workyears.....		1,464			...			...		...				1,464	
		11,762			...			...		...				11,762	
Other Workyears:															
Overtime.....		71			...			...		...				71	
Total Compensable Workyears		11,833			...			...		...				11,833	

Unobligated Balance, Brought Forward
 Of the \$40.6 million available from unobligated balances, \$19.2 million was available only for Project Seahawk.

H: Summary of Reimbursable Resources

Summary of Reimbursable Resources
United States Attorneys
(Dollars in thousands)

	2006 Actual			2007 Planned			2008 Request			Increase / Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Collections by Source:												
Executive Office for OCDETF.....	1,092	1,052	126,388	1,092	1,052	131,820	1,092	1,052	138,411			6,591
Debt Collection 3% Fund.....	151	151	27,902	151	151	29,297	151	151	30,762			1,465
Health Care Fraud and Abuse Control.....	[177]	[177]	30,813	[177]	[177]	32,354	[177]	[177]	33,972			1,618
Office of Victims of Crimes,(170 Positions).....	170	170	22,350	170	170	23,467	170	170	24,641			1,173
Office of Victims of Crimes (VNS)			5,192			5,649			5,649			
Office of Justice Programs.....			4,959			5,582			5,582			
Weed & Seed			4,317			5,518			5,518			
Asset Forfeiture - Executive Office			3,318			4,900			4,900			
Other Anticipated Agreements			3,133			4,600			4,600			
Justice Management Division			157			3,368			3,368			
USA HIDTA			1,179			1,376			1,376			
Regime Crime Liaison Office			1,077			1,180			1,180			
D.C. Government			48			975			975			
Department of Housing & Urban Development.....			2			346			346			
Community Oriented Policing Services			90			234			234			
Criminal Division.....			544			225			225			
Securities and Exchange Commission.....			85			225			225			
Federal Bureau of Investigation.....			286			180			180			
DC Superior Court			150			150			150			
National Institute of Justice			105			134			134			
Department of Health & Human Services			0			132			132			
Department of Justice						104			104			
Dept. of Homeland Security			185			82			82			
DC Department of Corrections			35			76			76			
Bureau of Indian Affairs.....			41			60			60			
Office of Legal Policy			28			32			32			
San Diego Sheriff's Dept.			12			25			25			
Interior-National Park Services			0			11			11			
Bureau of Land Management			3			6			6			
Civil Rights Division			2			5			5			
Tax Division			1			4			4			
Tennessee District Attorneys General Conference			3			4			4			
U.S. Forest Service			0			1			1			
U.S. NCIS			1			1			1			
Deschutes National Forest - Redmond Air Ctr			1			1			1			
Other Workyears Provided		51			91			91				
Budgetary Resources	1,413	1,424	\$232,405	1,413	1,464	\$252,125	1,413	1,464	\$262,971	0	0	\$10,847

i: Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

United States Attorneys
Fiscal Years 2006 - 2008

Category	2006		2007 Estimate		2008 Request		
	Authorized	Reimbursable	Authorized	Reimbursable	Program Improvements	Authorized	Reimbursable
Attorneys (905).....	5,041	641	5,151	641	158	5,309	641
Paralegal Specialist (950).....	847	56	847	56	21	868	56
Legal Clerk and Technicians(986).....	1,868	596	1,892	596	24	1,916	596
Criminal Investigative Series (1811).....	16	...	16	...	...	16	...
General Investigative Series (1810).....	23	30	23	30	...	23	30
Investigative Analyst (132).....	94	...	94	...	...	94	...
Security Specialists (080).....	16	...	16	...	...	16	...
Social Sciences, Economics and kindred (100-199).....	28	...	28	...	...	28	...
Personnel Management (200-299).....	201	...	201	...	...	201	...
General Administrative and Clerical (300-399).....	1,308	18	1,310	18	...	1,310	18
Accounting and Budget (500-599).....	268	72	296	72	...	296	72
Information and Arts Group (1000-1099).....	28	...	28	...	...	28	...
Business and Industry Group (1100-1199).....	11	...	11	...	...	11	...
Library and Archives Group (1400-1499).....	23	...	23	...	...	23	...
Supply Group (2000-2099).....	10	...	10	...	...	10	...
Information Technology (2210).....	315	...	316	...	...	316	...
Total.....	10,097	1,413	10,262	1,413	203	10,465	1,413
Washington.....	224	...	224	...	...	224	...
U.S. Field 1/.....	9,873	1,413	10,038	1,413	203	10,241	1,413
Foreign Field.....	...	...	...	...	...	...	...
Total.....	10,097	1,413	10,262	1,413	203	10,465	1,413

1/ Includes positions for field offices in the Washington, D.C. Standard Metropolitan Statistical Area in each year.

FY 2006 enacted position and FTE balances include reduction of 29 FTE associated with .28% CJS rescission and 97 FTE associated with 1% Defense rescission for a total reduction of 126 positions and FTE.

J: Financial Analysis of Program Changes

Financial Analysis of Program Increases and Offsets

United States Attorneys

Salaries and Expenses

(Dollars in Thousands)

Item	Criminal	
	Positions	Amount
Grades		
GS-9	21	\$1,016
GS-7	24	963
Ungraded.....	158	25,474
Total Positions and Annual Rate.....	203	\$27,453
Awards and Overtime	(101)	(10,490)
Lapse (-).....		
Total Workyears and Personnel	102	\$16,963
Personnel Benefits.....		1,537
Travel and Transportation of Persons.....		321
Transportation of Things.....		16
Comm., Utilities, and Misc Charges.....		142
Printing.....		38
Other Services:		
25.1 Advisory Services		775
25.2 Other Services.....		352
25.3 Purchase of Goods & Svcs from Gov't Acct .		8
25.6 Medical Care		160
Supplies and Materials.....		661
Equipment.....		
Total Program Workyears and Obligations	102	\$20,973
Changes Requested, 2008.....		

K: Summary of Requirements by Grade

Summary of Requirements by Grade
United States Attorneys

Grades and Salary Ranges	FY 2006 Actual Obligations		FY 2007 Estimate		FY 2008 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
SES, \$109,808 - \$152,000	6		6		6		...	
GS-15, \$107,521 - 139,774.....	81		81		81		...	
GS-14, \$91,407 - 118,828	122		122		122		...	
GS-13, \$74,782-97,213.....	341		371		371		...	
GS-12, \$62,886-81,747	518		518		518		...	
GS-11, \$52,468-68,209.....	782		782		782		...	
GS-10, \$47,775-62,086.....	77		77		77		...	
GS-9, \$43,365-56,371.....	464		464		485		21	
GS-8, \$39,262-51,036.....	730		755		755		...	
GS-7, \$35,452-46,088.....	1,082		1,082		1,106		24	
GS-6, \$31,903-41,474.....	174		174		174		...	
GS-5, \$28,620-37,211.....	235		235		235		...	
GS-4, \$25,581-33,253.....	238		238		238		...	
GS-3, \$22,787-29,624.....	206		206		206		...	
Ungraded Positions.....	5,041		5,151		5,309		...	
Total, Appropriated Positions.....	10,097		10,262		10,465		158	203
Average Ungraded Salary	\$112,646		\$115,124		\$117,657			
Average SES Salary	\$150,296		\$153,602		\$156,981			
Average GS Salary	\$49,406		\$50,492		\$51,603			
Average GS Grade	9		9		9			

L: Summary of Requirements by Object Class

Summary of Requirements by Object Class
United States Attorneys
(Dollars in Thousands)

Object Class	2006 Actual Obligations		2007 Request		2008 Request		Improvements/Offsets	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Total Workyears & Personnel Compensation.....	9,192	\$779,018	9,269	\$803,924	9,432	\$857,434	163	\$53,510
11.3 Other than Full-Time Permanent.....	1,015	67,516	1,029	69,675	1,042	74,312	13	4,637
11.5 Other Personnel Compensation.....	(71)	15,797	(71)	16,302	(71)	17,387	...	1,085
Overrime.....		2,776		2,776		2,776	0	0
11.8 Special Personnel Services Payments.....		2,652		2,737		2,919		182
Total.....	10,207	\$864,983	10,298	\$892,638	10,474	\$952,052	176	\$59,414
Reimbursable Workyears:								
Full-Time Permanent.....	(1,424)		(1,464)		(1,464)			
Other Object Classes:								
12.0 Personnel Benefits.....		229,695		237,039		252,816		15,777
13.0 Benefits to Former Personnel.....		4,892		5,048		5,384		336
21.0 Travel and Transportation of Persons.....		20,212		20,858		22,247		1,389
22.0 Transportation of Things.....		3,369		3,477		3,708		231
23.1 GSA Rent.....		202,025		208,484		222,361		13,877
23.2 Rental Payments to Others.....		3,132		3,232		3,447		215
23.3 Comm., Util., & other Misc. Charges.....		40,817		42,122		44,926		2,804
24.0 Printing and Reproduction.....		3,070		3,168		3,379		211
25.1 Advisory and Assistance Services.....		18,229		18,812		20,064		1,252
25.2 Other Services.....		108,646		112,120		119,582		7,462
25.3 Purchases of Goods & Svcs from Govt Accounts.....		28,306		29,211		31,155		1,944
25.4 Operation and Maintenance of Facilities.....		11,569		11,939		12,734		795
25.6 Medical Care.....		(59)		(62)		(65)		(3)
25.7 Operation and Maintenance of Equipment.....		1,159		1,196		1,276		80
26.0 Supplies and Materials.....		7,045		7,270		7,754		484
31.0 Equipment.....		537		554		591		37
32.0 Land and Structures.....		13,788		14,229		15,176		947
41.0 Grants, Subsidies and Contributions.....		25,955		26,785		28,568		1,783
42.0 Insurance Claims and Indemnities.....		606		625		667		42
44.0 Refunds.....		4		0		0		0
Total Obligations.....		\$1,587,980		\$1,638,745		\$1,747,822		\$109,077
Unobligated Balance, Start of Year.....		(26,750)		(40,617)		(35,000)		
Unobligated Balance, Lapsing.....		(13,054)		...		...
Resources Available from Recoveries of Prior Year Obligations		...		...		...
Expired Unobligated Balance Transfer to Unexpired Account.		...		...		...
Unobligated Balance, End of Year.....		40,617		35,000		36,000		
Total Requirements.....		\$1,600,191		\$1,633,128		\$1,748,822		
Relation of Obligations to Outlays:								
Total Obligations.....		\$1,802,387		\$1,638,745		\$1,747,822		
Obligated Balance, Start of Year.....		140,576		167,604		198,000		
Resources Available from Recoveries of Prior Year Obligations		(10,054)		...		...
Adjustments in Expired Accounts Net.....		...		...		...
Change in Uncollected Customer Payments from Federal Sources		(26,705)		...		...
Obligated Balance, End of Year.....		(167,604)		(198,000)		(219,000)		
Outlays.....		\$1,738,600		\$1,608,349		\$1,726,822		

The FY 2006 end of year unobligated balance includes \$19 million associated with Project Seahawk.

M. Status of Congressionally Requested Studies, Reports, and Evaluations

Copyright Reporting Requirement:

For the past several years, Congress has required the submission of a report by April 30 of the following fiscal year on the number, types, and locations of copyright prosecutions undertaken during the previous year. This was first included as part of the appropriations language in the FY 2001 Appropriations Act and the report was due June 30, 2001. For FY 2007, the House-passed Appropriations Bill Report (109-520) does not include the copyright reporting requirement for FY 2006. The Senate Appropriations Committee Report (109-280) does include the copyright requirement and the due date is February 1, 2007. Since the FY 2007 Appropriations Bill has not been enacted, the requirement has not yet been established for the FY 2006 report.