

UNITED STATES  
DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEYS



FY 2019  
CONGRESSIONAL SUBMISSION

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## I. Overview of the United States Attorneys

### A. Introduction

In FY 2019, the United States Attorneys request \$2,105,182,000 and 11,089 positions, of which 5,818 are attorneys. The budget request includes a program enhancement for 75 paralegal positions and \$4,668,000.

Electronic copies of the Department of Justice’s Congressional Budget Justifications can be viewed or downloaded from the internet: <http://www.justice.gov/02organizations/bpp.htm>.

**The United States Attorneys serve as the nation’s principal litigators. In response to the mandates of the Constitution that required establishment of a system of federal courts, Congress enacted the Judiciary Act of 1789, directing the President to appoint, in each federal district, “a person learned in the law to act as an attorney for the United States.” Since 1870, the United States Attorneys have worked under the direction of the United States Department of Justice.**

There are 94 United States Attorneys’ offices (USAOs) located throughout the continental United States, Hawaii, Alaska, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. The 93 United States Attorneys (Guam and the Northern Mariana Islands are under the direction of a single United States Attorney) are appointed by, and serve at the discretion of, the President of the United States, with the advice and consent of the United States Senate. The map on page 3 depicts the current district and branch office locations of each USAO.

The United States Attorneys report to the Attorney General through the Deputy Attorney General. Each United States Attorney serves as the chief federal law enforcement officer within his or her judicial district and, as such, is responsible for the prosecution of criminal cases brought by the federal government, the litigation and defense of civil cases in which the United States is a party, and the handling of criminal and civil appellate cases before United States Courts of Appeals. The United States Attorneys and Assistant United States Attorneys (AUSAs) represent the interests of the United States in cities, towns, and communities across the country. Through their hard work and dedication, justice is served throughout the nation. The USAOs conduct most of the trial work in which the United States is a party. Although caseloads vary by district, each USAO has a diverse docket of cases. Each United States Attorney exercises broad discretion in the use of his or her resources to further local priorities and to serve his or her community’s needs.



## **The Attorney General's Advisory Committee of United States Attorneys**

United States Attorneys provide advice and counsel to the Attorney General and senior policy leadership through the Attorney General's Advisory Committee (AGAC) and its various subcommittees and working groups. The AGAC was established in 1973, to give United States Attorneys a voice in advising the Attorney General on Department policies. The Committee is comprised of approximately 15 members, representing various federal judicial districts, and geographic locations. The Committee members meet regularly with the Attorney General, the Deputy Attorney General, and the Associate Attorney General, and works to further the goals as set by the President of the United States. The AGAC has subcommittees and working groups to address the Administration's priorities.

The subcommittees include:

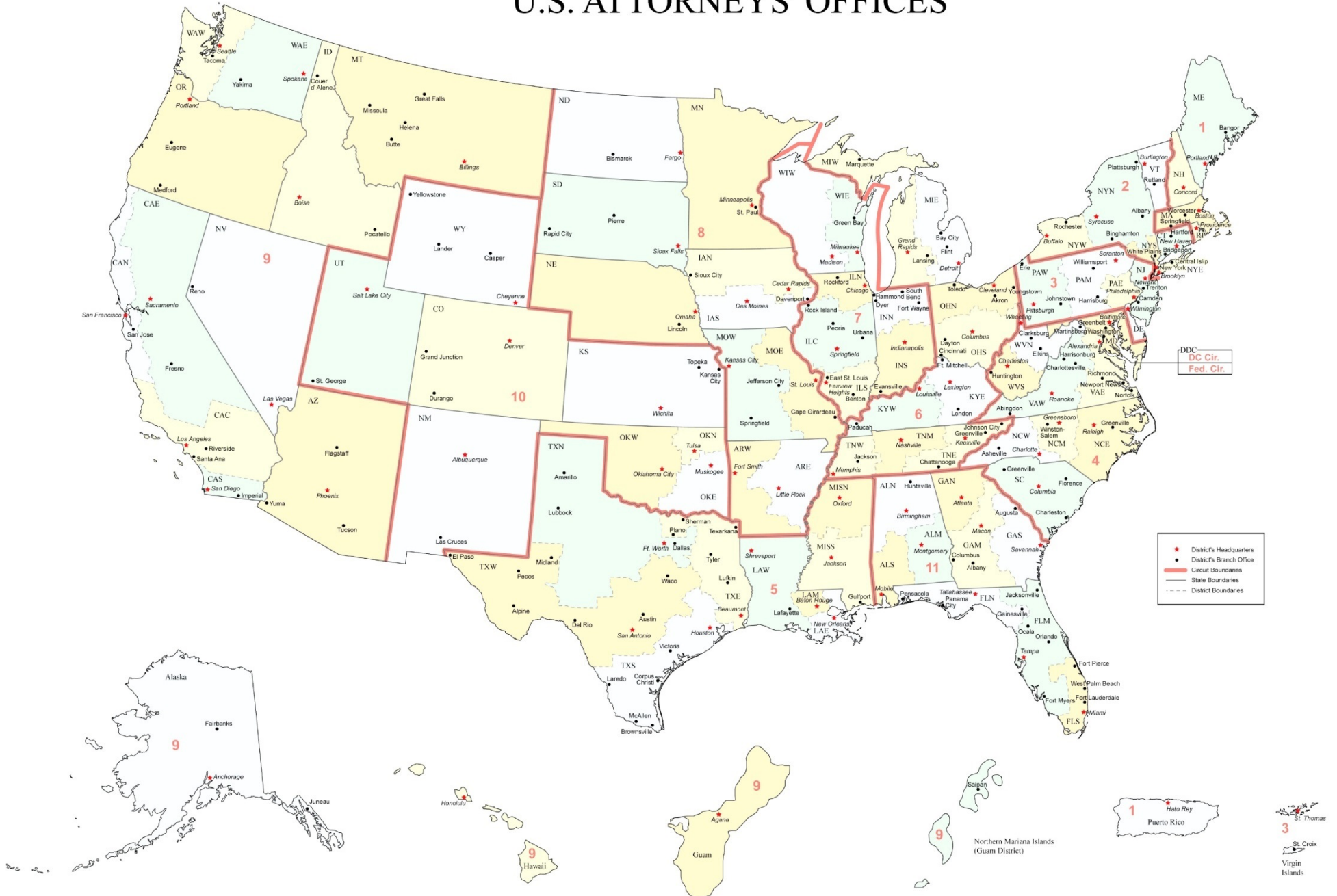
- Asset Recovery
- Border and Immigration Law Enforcement
- Civil Rights
- Controlled Substances
- Cyber/Intellectual Property
- Law Enforcement Coordination & Relations
- Management, People & Performance
- Native American Issues
- Security Issues
- Service Members and Veterans Rights
- Terrorism & National Security
- Violent and Organized Crime
- White Collar/Fraud

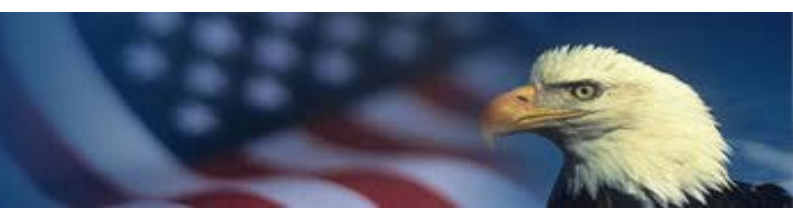
The working groups include:

- Administrative Officers
- Appellate Chiefs
- Child Exploitation and Human Trafficking
- Civil Chiefs
- Criminal Chiefs
- Diversity Working Group
- Domestic Terrorism & Executive Committee
- Elder Justice
- Health Care Fraud
- Investment Review Board
- Marijuana
- Opioids & Heroin
- Victim and Community Issues



# U.S. ATTORNEYS' OFFICES





## Executive Office for the United States Attorneys

In 1953, Attorney General Order No. 8-53 established the Executive Office for United States Attorneys (EOUSA) to “provide general executive assistance and supervision to the offices of the United States Attorneys.” One of the original directives instructed EOUSA to “serve as liaison, coordinator, and expeditor with respect to the Offices of the United States Attorneys, and between these offices and other elements of the Department [of Justice].” Under the guidance of the Director, EOUSA provides the 94 USAOs with general executive assistance and supervision; policy guidance; administrative management direction and oversight; operational support; and coordination with other components of the Department and other federal agencies. EOUSA’s responsibilities encompass legal, budgetary, administrative, and personnel services, as well as continuing legal education. EOUSA provides support and assistance to approximately 12,540 direct and reimbursable employees in 241 staffed offices throughout the country. See Exhibit A for an organizational chart of EOUSA.

The following three program/functional areas fall under the immediate direction of the Director: **Resource Management and Planning; Information Technology; and Human Resources.** The responsibilities of these program areas are outlined below:

- The **Chief Financial Officer** provides the Director with expert advice on an annual budget of \$2 billion, full-time equivalent (FTE) position allocations, resource management, and reimbursable agreements with the Department and other federal agencies. The CFO has responsibility for the following staffs: the **Resource Management and Planning (RMP) Staff**; the **Facilities and Support Services (FASS) Staff**; and the **Acquisitions Staff**. The **RMP Staff** is responsible for budget formulation, budget execution, financial management, audit reviews, and the detailee program. The RMP Staff compiles resource needs and formulates an annual budget submission for presentation to the Department, the Office of Management and Budget (OMB), and Congress. It also manages day-to-day financial operations through daily contact with the USAOs and through review of regular accountability reports. An internal Audit and Review Staff evaluates the internal controls in the USAOs and prepares districts for the annual independent federal financial audit. The Detailee Program Staff initiates and coordinates all detail assignments, both internal and external to our community. The Financial Systems Support Group (FSSG) provides financial systems support and expertise to the USAOs on all Departmental and EOUSA automated financial and accounting systems. RMP also develops performance measures for the United States Attorneys in accordance with the Government Performance and Results Act (GPRA) and coordinates quarterly status reporting and program assessments. The **FASS Staff** provides direct support and oversight of all USAOs in the areas of real property management, including space acquisition, relocation, design, repair, and management of rent payments. Support services include forms management, printing, and mail metering. The **Acquisitions Staff** supports both EOUSA and the USAOs by issuing contracts for supplies/services nationwide in compliance with applicable federal, departmental, and other regulations, policies, and procedures.





- The **Chief Information Officer** is responsible for providing advice and assistance to the Director of EOUSA and the senior staff to ensure that information technology is acquired and managed according to Department and EOUSA policies and procedures. The CIO directs and manages the following staffs. The **Case Management Staff** develops and maintains software applications and case management systems. The **Office Automation Staff** supports the purchase and installation of computer systems, equipment, and software; the maintenance of hardware and software; and end-user training. The **Telecommunications and Technology Development Staff** provides administrative and technical support to the USAOs in all telecommunications activities, including voice, data, and video. The **Information Security Staff** ensures the confidentiality, integrity, and availability of information and information systems to best support the mission of the United States Attorneys. The **Records Information Management Staff** coordinates and oversees electronic records and document management capabilities of all USAOs. The **Enterprise Voice-over Internet Protocol Staff** implements and maintains the next generation telephone service/system that integrates into the computer system, creating a more effective method of communication to maximize return on investment and contribute to the mission statement of the USAOs.
- The **Chief Human Resources Officer** is responsible for all aspects of human resource management, operations, policy, and practices in EOUSA and the USAOs. The **Human Resources Staff** assists EOUSA and the USAOs by providing employment services in such areas as position classification, staffing, compensation, employee benefits, performance management, pre-employment security, and employee assistance. Staff members provide guidance, advice, and training related to these programs and activities. The **Security and Emergency Management Staff** provides security program support for the USAOs, including policy and procedural assistance, training, education and awareness efforts, and emergency and contingency planning.

EOUSA also has two Deputy Directors who report to the Director. The **Deputy Director/Counsel to the Director** oversees the **Office of Legal and Victim Programs**; the **Strategic Communications Staff**; the **Data Integrity and Analysis Staff**; and the **Evaluation and Review Staff**. The functions of these units are outlined below:

- The **Office of Legal and Victim Programs** includes four staffs: **Asset Recovery**; **White Collar and Civil Litigation**; **Victim-Witness**; and **Indian, Violent and Cyber Crimes**. Each staff assists in the development and implementation of policies and procedures in its program areas, and serves as a liaison between the USAOs and other offices both inside and outside the Department. The **Asset Recovery Staff** supports the collection and enforcement efforts of district financial litigation programs, asset forfeiture programs, and bankruptcy. The **White Collar and Civil Litigation Staff** provides guidance and support to the USAOs in the areas of health care fraud, white collar crime, and civil defensive litigation. In addition, the staff coordinates the activities of the Affirmative Civil Enforcement Program, which uses civil statutes for federal law enforcement efforts in fighting economic fraud. The **Victim-Witness Staff** provides guidance and support for personnel in the USAOs who handle victim notification, explain to victims the criminal justice process, prepare victims




and witnesses for testimony and allocution, coordinate and accompany victims and witnesses to court proceedings, and provide victims with service referrals and emergency assistance. The staff also provides guidance and support to the USAOs on both civil and criminal Civil Rights issues. The **Indian, Violent and Cyber Crimes Staff** provides guidance and support to the USAOs in the areas of Native American issues, computer crime and intellectual property, immigration and border security, violent crime and gangs, and narcotics. The staff also provides management support for the Project Safe Neighborhoods and Project Safe Childhood programs.

- The **Strategic Communications Staff (SCS)** supports EOUSA and the USAOs with external and internal communications, digital engagement, and multimedia. Working closely with the Department's Office of Public Affairs, SCS provides support on public affairs and media issues related to the USAOs. SCS also manages digital engagement at EOUSA, providing web content and social media management, development, and support for EOUSA and the USAOs, as well as multimedia services such as photography, audio/visual productions, and graphic design.
- The **Data Integrity and Analysis Staff** is responsible for providing statistical information and analysis for EOUSA. The staff provides data and analysis to EOUSA's leadership, and helps EOUSA respond to data requests from DOJ components, the White House, Congress, and the public. The staff also provides the United States Attorneys' community comprehensive quarterly analysis of work-year, caseload, and workload information, and produces the United States Attorneys' Annual Statistical Report.
- The **Evaluation and Review Staff** carries out EOUSA's responsibility under 28 C.F.R. Part 0.22 to evaluate the performance of the USAOs, to make appropriate reports, and to take corrective actions if necessary. The evaluation program enables EOUSA to fulfill this responsibility. In meeting these regulatory and statutory requirements, the evaluation program provides on-site management assistance to United States Attorneys, as well as a forum for evaluators and the office being evaluated to share information and innovative ideas. The feedback provided to EOUSA's leadership assists in addressing management issues in the USAOs and also as a vehicle for identifying and sharing best practices.





The **Deputy Director for Legal Management** oversees the following offices and staffs:

- The **Office of Legal Education (OLE)** develops, conducts, and authorizes the training of all federal legal personnel. OLE coordinates legal education and attorney training for the Department of Justice, other federal departments and agencies, as well as state and local law enforcement. OLE is a separate decision unit of the budget, and its functions and mission, which are largely completed at the National Advocacy Center (NAC) in Columbia, South Carolina, are discussed in greater detail in Section IV.C.
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- The **Freedom of Information and Privacy Act (FOIA) Staff** processes all FOIA and Privacy Act requests for records located throughout EOUSA and the USAOs, provides legal guidance to the USAOs concerning FOIA/Privacy Act issues, represents them in administrative appeals, and assists AUSAs and Department of Justice attorneys in litigation in federal courts by providing draft pleadings and preparing legal documents.
  - The **Equal Employment Opportunity and Diversity Management (EEO/DM) Staff**, which provides centralized leadership, coordination, and evaluation of all equal employment efforts within EOUSA and the USAOs, is comprised of three components – Complaint Processing, Affirmative Employment/Special Emphasis Programs, and training. The EEO mission supports the USAOs and EOUSA by providing timely and impartial customer service in the areas of conflict resolution; EEO complaint processing; civil rights policy development and training; language assistance plans; and diversity management assistance through training, outreach, and recruitment.
  - The **General Counsel’s Office (GCO)** provides advice to the USAOs and EOUSA on a broad array of legal and ethical issues, including conflicts of interest, recusals, outside activities, gifts and financial disclosures, allegations of misconduct, personnel legal issues, discovery requests, and compliance with subpoenas. The GCO is also responsible for the employee relations programs of EOUSA and the USAOs.



## CRIMINAL PROSECUTIONS

The USAOs investigate and prosecute the vast majority of criminal cases brought by the federal government – representing an incredibly diverse workload. The types of cases include international and domestic terrorism; illegal immigration; southwest border enforcement; firearms and violent crime; identity theft; public corruption; procurement, securities, and mortgage fraud; gangs and organized crime; drug enforcement; human trafficking; and criminal civil rights. Many of these cases involve multiple defendants and are extremely complex. The nature of today’s crimes has required prosecutors to acquire extensive knowledge in a wide range of fields, such as banking, health care, computer technology, securities, and forensics.



The United States Attorneys receive most of their criminal referrals, or “matters,” from federal investigative agencies, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the United States Immigration and Customs Enforcement (ICE), the United States Secret Service, and the United States Postal Inspection Service. The USAOs also receive criminal matters from state and local investigative agencies, and sometimes through reports from private citizens. Following careful consideration of each criminal matter, the United States Attorney must decide whether to present the matter to a grand jury for indictment.

### Federal Law Enforcement Partners



Although historically a large percentage of criminal defendants have pled guilty prior to trial, a USAO must always be prepared to go to trial after the grand jury returns an indictment. Careful and diligent preparation for trial, including thorough pre-trial discovery and the litigation of pre-trial motions, helps to clarify issues, promote efficiency, and protect a defendant’s rights under the Speedy Trial Act. When a defendant does not plead guilty, however, a trial before a petit jury or a judge (a bench trial) becomes necessary. If the defendant is convicted after trial, the USAO must participate in a sentencing hearing and also defend the conviction in post-trial litigation and on appeal. The USAOs handle most criminal appeals before the United States Court of Appeals. If there is a further appeal, the United States Attorney may be called upon to assist the Solicitor General in preparing the case for review by the United States Supreme Court.





## **CIVIL LITIGATION**

The United States Attorneys initiate civil actions, referred to as “affirmative litigation,” to assert and protect the United States’ interests. They also defend the United States’ interests in lawsuits filed against the government, referred to as defensive civil litigation. In other civil cases, the United States is a third party, creditor, or intervener, such as representing the government’s interests in bankruptcy actions.

Examples of affirmative litigation include civil actions brought to enforce the nation’s environmental, admiralty, and civil rights laws; recoup money and recover damages resulting from federal program and other fraud; enforce administrative summonses; and forfeit assets seized by federal, state, and local law enforcement.

Defensive litigation includes actions seeking monetary damages for alleged torts, contract violations, and discrimination by the United States and its agents and employees. It also includes defending suits challenging government administrative actions, including Social Security disability determinations; habeas corpus petitions; and constitutional challenges to statutes and other federal policies. The USAOs represent and defend the government in its many roles – as employer, regulator, law enforcer, medical care provider, revenue collector, contractor, procurer, property owner, judicial and correctional systems managers, and administrator of federal benefits. When the United States is sued, the Department of Justice must be its legal representative.

Civil defensive work is unique because it is non-discretionary and non-delegable. Unlike criminal matters, civil defensive cases cannot be declined to manage or reduce an office’s caseload. All cases filed against the United States, its agencies, and employees in their official capacities must be defended.

## **CRIMINAL AND CIVIL APPEALS**

Appeals require a thorough review of the entire record in the case, the filing of briefs, and in many, participation in oral argument before the United States Court of Appeals. In most appellate matters handled by the USAOs, the United States is the appellee and must respond to an appeal initiated by an opposing party. Accordingly, the appellate workload of the United States Attorneys fluctuates based on decisions outside their control. Furthermore, the complexity of appellate work and the time required to handle that work increases when the case presents complicated facts or novel questions of law.



## **CRIMINAL AND CIVIL DEBT COLLECTION**

The USAOs are responsible for collecting both criminal and civil debt for the federal government. Each USAO has a Financial Litigation Unit (FLU) responsible for criminal and civil debt collection activities as well as an Affirmative Civil Enforcement staff devoted to civil debt collection.

Debts are incurred by a criminal defendant when the defendant is sentenced by the court. These debts may be in the form of restitution to crime victims, fines imposed by the court, special assessments on each criminal conviction count, costs of prosecution and other costs, or forfeitures of appearance bonds. Interest may also be collected in certain cases. When restitution is ordered, the USAOs are involved in collecting federal restitution payments (owed to the United States) as well as non-federal restitution (owed to private individuals and entities). As a result of the Mandatory Victims Restitution Act (MVRA), courts must impose monetary restitution orders in all violent crimes and most property crimes, regardless of a defendant's ability to pay restitution. United States Attorneys are required to enforce restitution orders on behalf of all federal crime victims.

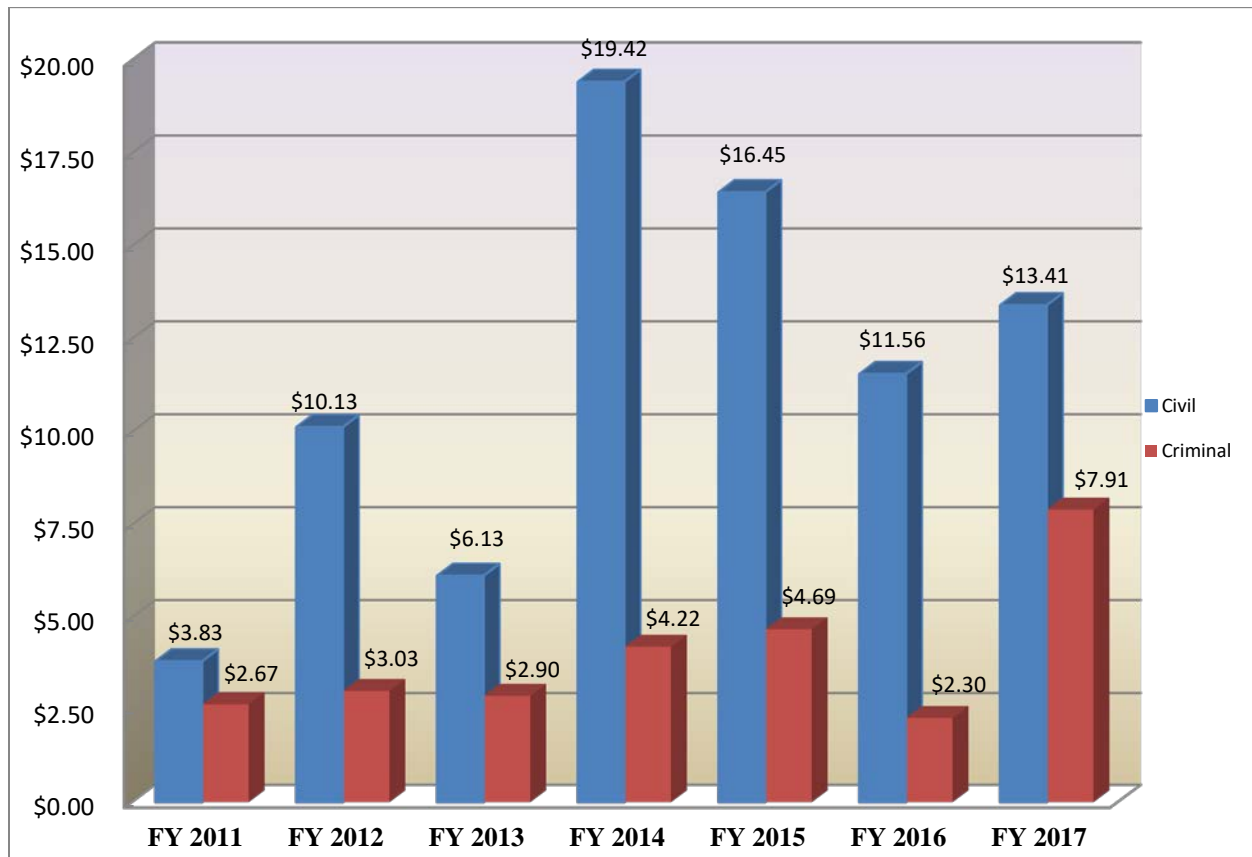
The United States Attorneys are also the legal representatives for other federal agencies to pursue repayment of debts. For example, when federal agencies lend money and the recipients default on repayment, or when federal agencies have paid on guaranteed loans that have not been repaid as provided for in the lending agreement, the United States Attorneys pursue repayment of the debt. The Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, Transportation, Veterans Affairs, and the Small Business Administration are some of these client agencies. The United States Attorneys file suit to obtain judgments to collect debts, foreclose on real property, compel physicians to repay or fulfill their commitment to the Public Health Service in return for education grants, sue to set aside fraudulent transfers of property which could be used to satisfy defaulted loans, and manage debtor repayment schedules.





The table below illustrates the significant amount of debts collected each year from FY 2011 through the end of FY 2017.

### Debt Collection Chart (in billions)



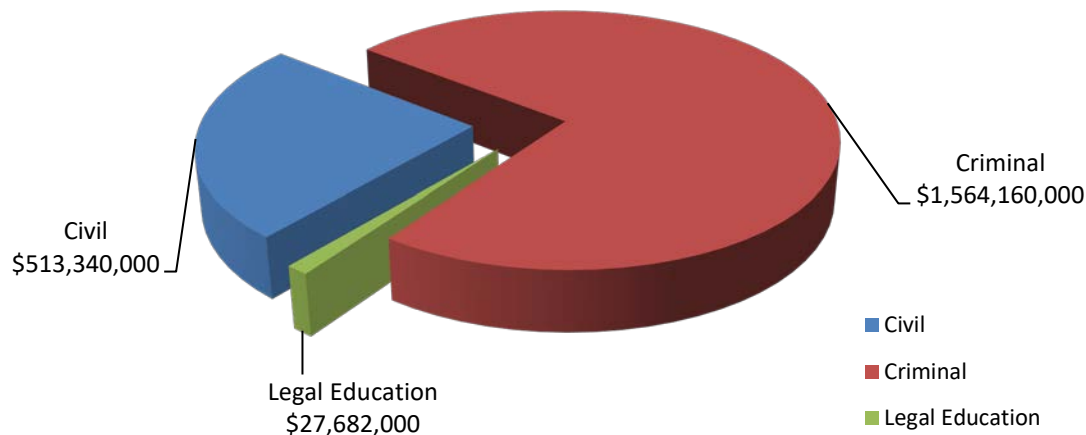
In FY 2017, the USAOs collected \$21.32 billion in criminal and civil debts. Of the total debts collected, USAOs recovered \$7.91 billion in criminal debts; and \$13.41 billion in civil debts. The United States Attorneys' FY 2017 collection efforts, handled by a very small percentage of the total workforce, returned to the Treasury over ten times the \$2.04 billion appropriated in the FY 2017 budget for the entire United States Attorneys' community.



## B. Full Program Costs

The United States Attorneys' \$2,105,182,000 budget request for FY 2019 is divided into three decision units: criminal, civil, and legal education.

### FY 2019 Budget Request by Decision Unit



Some programs, as well as management and administration costs, cross decision units. The performance and resource tables for each decision unit reflect the total costs of achieving the strategies that the United States Attorneys will employ in FY 2019. The various resource and performance charts incorporate the costs of lower level strategies which also contribute to the achievement of objectives, but which may not be highlighted in detail in order to provide a concise narrative. Also included are the indirect costs of continuing activities, which are central to the operations of each decision unit. This request will fund the United States Attorneys' role in supporting the Department's Strategic Plan. We will continue to provide federal leadership in preventing and controlling crime and seeking just punishment of those found guilty of unlawful conduct.



## C. Performance Challenges

The United States Attorneys face both external and internal challenges that can impact their ability to meet their goals. Some of these performance challenges are summarized below.

### External Challenges

Coordinating with External Partners: Law enforcement is a central element of the United States Attorneys' mission, yet the ability and willingness of other federal, state, tribal, and local law enforcement partners to coordinate and share intelligence, resources, and personnel with one another can pose significant challenges. Failure to coordinate and collaborate can impede the prosecution of complex criminal activity and even disrupt ongoing investigations. Thus, we must continually strive to enhance coordination with our law enforcement partners.

Identifying Emerging Criminal Activities: Criminal activity, especially fraud, continues to evolve in response to new technologies and law enforcement efforts. Fraud schemes, which have become more sophisticated and complex over time, can have a significant impact on individual financial stability as well as our economy. As a result, the United States Attorneys and their investigative partners are working to identify financial frauds as they emerge so law enforcement can address these crimes in a timely and comprehensive manner.

Keeping Pace with Technology: As technology has evolved, so has the amount of electronically stored information that comprises critical evidence in our investigations and cases. To keep pace with this change and to ensure that our criminal and civil cases are adequately supported, the United States Attorneys must develop an integrated approach to electronic discovery that focuses on employee skills, training, best practices, and technological tools to help identify, collect, process, review, analyze, and present electronic evidence.

### Internal Challenges

Maintaining a Skilled Workforce: To address certain external changes and challenges, such as increasing amounts of eDiscovery, the United States Attorneys need employees who can adapt to changes in the law, its practice, and the tools used in support of the United States Attorneys' mission. We must ensure that each USAO has sufficient access to qualified automated litigation support specialists and legal support staff who have the expertise necessary to consult with attorneys on technical issues and institute and follow defensible practices with respect to electronic data. This requires a significant effort focused on improving the competencies of existing employees through training and hiring new employees with the appropriate skill sets.

Keeping Pace with Technology: New technologies have generated cutting-edge methods for committing crimes, such as the use of the Internet to commit identity theft and the use of peer-to-peer software programs to share large volumes of information in real time. These technologies continue to pose many challenges, with complexity and volume being the most prevalent. The USAOs strive to keep pace with these cutting-edge methods and the exponentially increasing volume of data associated with a diverse range of cases. The United States Attorneys must



continue to develop innovative practices to ensure that each office has the capacity to process, analyze, and leverage electronic information. For example, the USAs have implemented eDiscovery processes to move from paper evidence to electronic evidence, and to manage, examine, and transfer large amounts of casework data. The USAs have used technologically advanced tools and processes in sophisticated cases, allowing for data integration from multiple source points, which is critical to organizing and prosecuting complex cases, such as healthcare fraud and securities fraud cases. The USAOs are looking to expand this support to other types of cases such as procurement fraud.



## II. Summary of Program Changes

In FY 2019, the United States Attorneys' budget request is \$2,105,182,000, which includes the following program changes: 75 positions; 38 FTE; and \$4,668,000 in program increases. The following program changes are outlined in the chart below:

Item Name	Description				Page
	Purpose	Pos.	FTE	Dollars (\$000)	
<b>Paralegal Support</b>	These positions will assist with the growing number of cases being presented for prosecution to the United States Attorneys' offices (USAOs).	75	38	4,668	38
<b>TOTAL</b>		75	38	4,668	



### III. Appropriations Language and Analysis of Appropriations Language

#### Appropriations Language

##### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

*For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$2,105,182,000: Provided, That of the total amount appropriated, not to exceed \$19,600 shall be available for official reception and representation expenses: Provided further, That not to exceed \$25,000,000 shall remain available until expended: Provided further, That each United States Attorney shall establish or participate in a task force on human trafficking.*

#### **Analysis:**

The establishment and maintenance of relationships with State and local officials is a critical component of the United States Attorneys' mission. Reception and representation activities better enable our United States Attorneys' offices (USAOs) to foster such relationships, which enhance cooperation with respect to common goals, such as reducing violent crime. Current reception and representation expense thresholds limit the amount of USAOs who can take advantage of such flexibility. The requested increase to \$19,600 will help ensure that reception and representation activities are available to a greater number of USAOs while ensuring that appropriated resources are utilized in the most effective manner.





## IV. Program Activity Justification

### A. Criminal

<b>Criminal Litigation</b>	<b>Direct Pos.</b>	<b>Estimated FTE</b>	<b>Amount</b>
2017 Enacted	8,216	7,336	1,515,996,000
2018 Continuing Resolution	8,216	7,633	1,500,524,000
Adjustments to Base and Technical Adjustments	228	258	59,279,000
2019 Current Services	8,444	7,891	1,559,803,000
2019 Program Increases	70	35	4,357,000
2019 Request	8,514	7,926	1,564,160,000
<b>Total Change 2018-2019</b>	<b>298</b>	<b>293</b>	<b>63,636,000</b>

<b>Criminal Litigation Information Technology Breakout</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2017 Enacted	344	344	128,360,000
2018 Continuing Resolution	344	344	130,285,000
Adjustments to Base and Technical Adjustments	0	0	1,955,000
2019 Current Services	344	344	132,240,000
2019 Request	344	344	132,240,000
<b>Total Change 2018-2019</b>	<b>0</b>	<b>0</b>	<b>1,955,000</b>



## 1. Program Description–Criminal Program Activity

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

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

For many years, the USAs have made criminal immigration prosecutions the largest category of criminal cases handled in their offices, and they will continue with those efforts.

The following cases are examples of the United States Attorneys’ criminal case successes:

- The USAO in the **Eastern District of Louisiana** successfully prosecuted Jawan Fortia and four other New Orleans, LA-based Young Melph Mafia (YMM) gang members following a seven-day trial in June 2017. On October 3, 2017, the U.S. District Court sentenced Fortia to life in prison for violating the Racketeer Influenced Corrupt Organization Act (RICO), as well as drug conspiracy, firearms conspiracy, and murder offenses. YMM was initially formed in or about 2005 and continued to exist through 2014. The gang, which started when the members were in their early teens, participated in a wide-ranging conspiracy to distribute street-level quantities of crack cocaine in Central City New Orleans and participated in several acts of violence against rival gangs, such as the 110ers. The YMM member sentenced on October 3, 2017, was found guilty of offenses related to the distribution of crack cocaine and marijuana, firearms possession, and a drive-by-shooting murder. He was one of 11 YMM originally charged in a superseding indictment involving gun and drug conspiracies. Five members pleaded guilty to conspiracy charges and were sentenced to prison terms ranging from 96-480 months. One other member pleaded guilty to drug charges only and was sentenced to 180 months in prison. In September 2017, one other YMM found guilty at the June 2017 trial was sentenced to life in prison plus 10 years for multiple offenses. The three other members found guilty at the trial are awaiting sentencing.
- The USAO in the **Middle District of Pennsylvania** successfully prosecuted and the U.S. District Court sentenced Douglas Kelly, a core member of the violent York, PA, “Southside” drug gang to life in prison for racketeering and drug-distribution conspiracies on December 12, 2017. The USAO prosecuted this gang member and 11 other members during a seven-week trial in late 2015. The trial evidence revealed that Southside operated a racketeering



and crack-cocaine-distribution enterprise for a decade or more, and Southside members had committed violent crimes to further the gang’s standing in southern York. Violence against a rival York gang resulted in death or shootings of members of both gangs and innocent bystanders. Before the trial, the USAO had secured the indictment of 21 Southside members and associates. Eight of these individuals, including a Southside leader, pleaded guilty. Besides the member sentenced on December 12, 2017, the jury found all 11 other members guilty for narcotics offenses during the 2015 trial. In October 2017, the court sentenced two of the Southside members found guilty at trial to life in prison for racketeering, narcotics, and firearms offenses. Before October 2017, the court had sentenced four other members to prison terms ranging from 33 months to 25 years. Thirteen other members are awaiting sentencing.

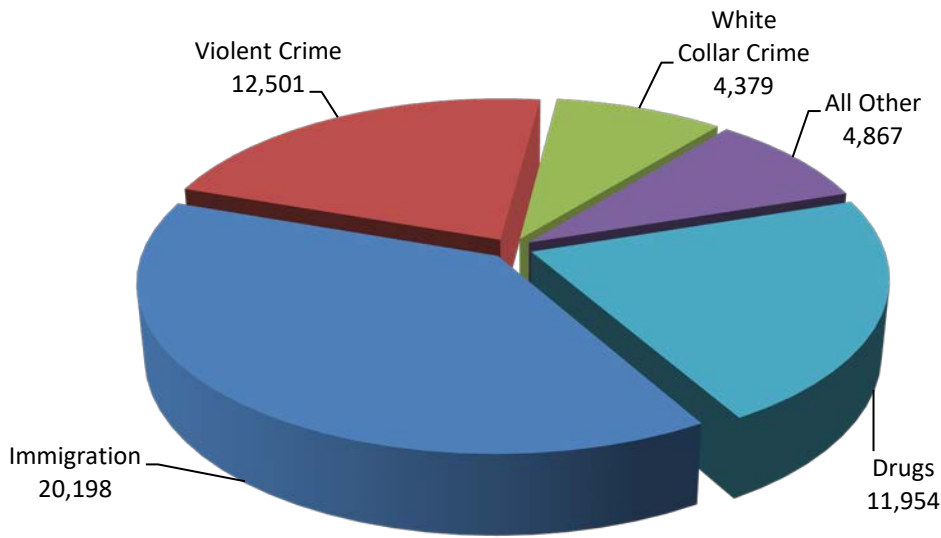
- The USAO in the **Eastern District of California** successfully prosecuted Helaman Hansen, 65, for operating an elaborate adult-adoption fraud scheme that targeted undocumented aliens. On May 9, 2017, after an 11-day trial, a federal jury found Hansen guilty of 12 counts of mail fraud, three counts of wire fraud, and two counts of encouraging and inducing illegal immigration for private financial gain. Between October 2012 and January 2016, Hansen and other used various entities such as Americans Helping America (AHA) to sell memberships in what he called a “Migration Program.” A central feature of the program was the fraudulent claim that immigrant adults could achieve U.S. citizenship by being legally adopted by an American citizen and completing a list of additional tasks. At first, memberships were sold for an annual fee of \$150, but that fee grew and eventually was as high as \$10,000. Although some victims completed the adoption stage of the “Migration Program,” not one person obtained citizenship. As early as October 2012, Hansen had been informed by U. S. Citizenship and Immigration Services that aliens adopted after their 16<sup>th</sup> birthday could not obtain citizenship in the manner Hansen was promoting. Despite that notification, Hansen, and others acting at his direction, induced approximately 500 victims to pay more than \$1 million to join the fraudulent program. On December 14, 2017, Hansen was sentenced to 20 years in prison and ordered to pay \$576,264 in restitution.

Computer hacking, data thefts and cyberattacks can compromise national security and have the potential of crippling our nation’s infrastructure. The United States Attorneys’ will continue to prioritize cybercrime prosecutions, protecting Americans from similar threats in the future.



As discussed earlier, the USAOs receive criminal referrals from federal investigative agencies as well as state and local investigative agencies. After careful consideration of the applicable law and evidence in each case, a USAO must decide whether to initiate a prosecution. During FY 2017, the USAOs filed 53,899 felony criminal cases against 71,229 defendants in United States District Court. The following chart shows the types of cases filed by the USAOs.

### **Criminal Workload** FY 2017 Felony Cases Filed – 53,899



A total of 53,416 cases against 70,211 defendants were closed during FY 2017. Of the 70,211 defendants whose cases were closed, 93 percent or 65,309, either pled guilty or were found guilty after a trial. Of these, 52,129 defendants received prison sentences. One hundred and thirty five of these defendants received sentences of life imprisonment. The rate of convicted defendants who received prison sentences has been approximately 80 percent over the last five years.



**2. PERFORMANCE AND RESOURCE TABLE**

Performance Materials will be provided at a later date



### **3. Performance, Resources, and Strategies**

Performance Materials will be provided at a later date.





**B. Civil**

<b>Civil Litigation</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2017 Enacted	2,502	2,340	493,477,000
2018 Continuing Resolution	2,502	2,340	494,583,000
Adjustments to Base and Technical Adjustments	16	16	18,446,000
2019 Current Services	2,518	2,356	513,029,000
2019 Program Increases	5	3	311,000
2019 Request	2,523	2,359	513,340,000
<b>Total Change 2018-2019</b>	<b>21</b>	<b>19</b>	<b>18,757,000</b>

<b>Civil Litigation Information Technology Breakout</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2017 Enacted	95	95	34,558,000
2018 Continuing Resolution	95	95	35,077,000
Adjustments to Base	0	0	526,000
2019 Current Services	95	95	35,603,000
2019 Request	95	95	35,603,000
<b>Total Change 2018-2019</b>	<b>0</b>	<b>0</b>	<b>526,000</b>



## 1. Program Description–Civil Program Activity

Civil litigation pursued by the United States Attorneys falls into two basic categories:

(1) affirmative civil litigation, in which the United States is the plaintiff; and (2) defensive civil litigation, in which the United States is the defendant. Affirmative civil litigation cases are actions taken by United States Attorneys to assert and protect the government’s interests. They include such issues as the enforcement of the nation’s environmental, admiralty, and civil rights laws, as well as the recovery of damages sustained by the government through fraud. The United States Attorneys also use affirmative civil litigation to recoup money owed and recover damages sustained by the government. Defensive civil litigation includes actions seeking monetary damages for alleged torts, contract violations, and discrimination by the United States and its agencies and employees.

The United States Attorneys may also be called upon to represent the United States in cases that are not clearly defined as either affirmative or defensive civil litigation, but in which the government has an interest, such as bankruptcy cases in which the United States is a party. One key difference between affirmative and defensive civil litigation is that while United States Attorneys have some discretion in deciding which affirmative civil cases they will pursue, they must defend the government in all defensive civil litigation.

The United States Attorneys are required to defend an increasing number of civil actions brought by immigration detainees who either are in deportation proceedings or are subject to final orders of deportation. Petitions for constitutionally required bond hearings brought by criminal aliens, challenges to denial of parole by arriving aliens, and expedited removal proceedings with respect to arriving aliens, present a growing challenge in the border states and at other locations with major ports of entry.

In FY 2017, the USAOs collected \$13.41 billion in civil debts, which is several times more than the entire United States Attorneys’ budget. The following cases are examples of the United States Attorneys’ civil successes in FY 2017:

- In January 2017, in the Eastern District of New York, Deutsche Bank agreed to pay \$7.2 billion to resolve federal civil claims that the bank misled investors in the packaging, securitization, marketing, sale, and issuance of residential mortgage-backed securities (RMBS) between 2006 and 2007. This represents the single largest RMBS resolution for the conduct of a single entity.
- In January 2017, the United States, 21 states, and the District of Columbia reached a nearly \$864 million settlement agreement with Moody’s Investors Service Inc., Moody’s Analytics Inc., and their parent, Moody’s Corporation. The settlement resolved allegations arising from Moody’s role in providing credit ratings for Residential Mortgage-Backed Securities (RMBS) and Collateralized Debt Obligations (CDO), contributing to the worst financial crisis since the Great Depression. Moody’s acknowledged a number of wrongdoings in connection with its credit ratings, including failure to properly manage conflicts of interest



and inconsistent use of present value discounts in assigning CDO ratings and its selection of assumptions about the correlations between assets in CDOs.

- In January 2017, in the Eastern District of New York, Société Générale, S.A. agreed to pay a \$50 million civil penalty to resolve claims under the Financial Institutions Reform Recovery and Enforcement Act of 1989 (FIRREA) related to its activities, which were conducted through several affiliates (together, SocGen), in connection with the marketing, sale, and issuance of a residential mortgage-backed security (RMBS) named SG Mortgage Securities Trust 2006-OPT2 (SG 2006-OPT2). As part of the agreement, SocGen acknowledged in writing that it made false representations to prospective investors in SG 2006-OPT2. Investors, including federally insured financial institutions, suffered significant losses on their investments in SG 2006-OPT2.
- On February 21, 2017, the U.S. District Court in the Southern District of Florida, entered a Final Judgment of more than \$20 million in favor of the United States in a civil suit against FastTrain II Corp. (FastTrain) and its President and owner, Alejandro Amor (Amor), for having defrauded the U.S. Department of Education by submitting falsified documents to obtain federal student aid funds in connection with ineligible students. Amor knowingly submitted fake high school diploma and GED information to receive improper federal Title IV funds – through the Federal Pell Grant Program, the Federal Direct Loan Program, the Federal Family Education Loan Program, and the Campus Based Programs that financially assist eligible students in obtaining a post-secondary education. At Amor’s direction, FastTrain admissions employees instructed and counseled ineligible prospective students to lie on their federal student aid applications. As a result of Amor’s fraudulent scheme and false representations of eligibility, FastTrain received millions of dollars of unearned student financial aid.

Civil matters and cases represent a significant part of the United States Attorneys’ workload. In FY 2017, the United States Attorneys received 85,570 civil matters, which represented 41 percent of all of the 207,377 criminal and civil matters received during the fiscal year. Of the civil matters received, 73 percent or 62,154 were defensive matters, 10 percent or 8,562 were affirmative matters, and 17 percent or 14,854 were other civil matters.

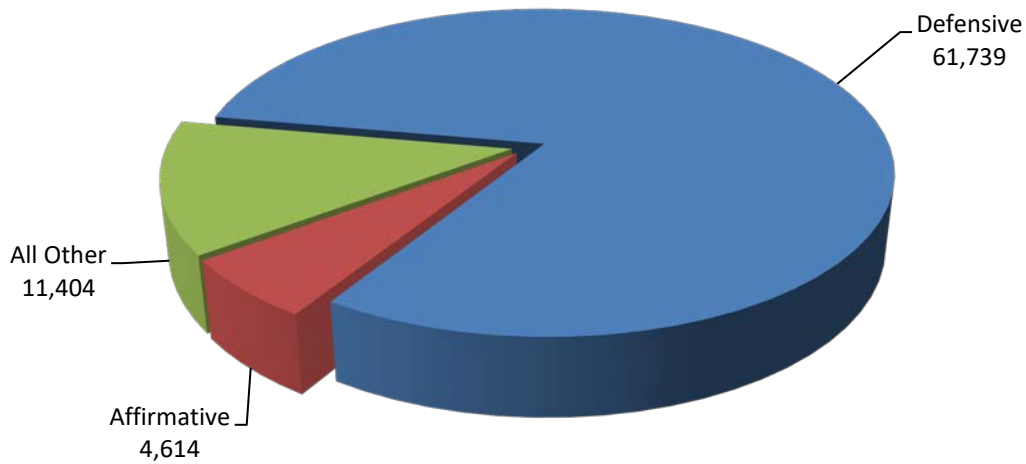
The United States Attorneys filed or responded to 77,757 civil cases in FY 2017, which represented 59 percent of the 131,656 criminal and civil cases filed during the fiscal year. Of the civil cases filed, 79 percent or 61,739 were defensive cases; six percent or 4,614 were affirmative cases; and 15 percent or 11,404 were other civil cases.

The USAOs’ successes in civil defensive litigation preserves taxpayer dollars and enhances the efficient operation of the federal government by defending the policies and programs of federal agencies against individual and class action lawsuits challenging agency authority or compliance with federal laws and the constitution.



USAOs track the different types of cases where they are able to defend the government and whether or not they are successfully resolved. In affirmative civil cases handled by USAOs, or jointly with the Civil Division, USAOs' successes have resulted in the collection of billions of dollars for the Government and victims of fraud.

**Civil Workload**  
**FY 2017 Cases Filed/Responded To – 77,757**





## **2. PERFORMANCE AND RESOURCE TABLE**

Performance Materials will be provided at a later date



### 3. Performance, Resources, and Strategies

Performance Materials will be provided at a later date



### C. Legal Education

<b>Legal Education</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2017 Enacted	53	53	25,527,000
2018 Continuing Resolution	53	53	26,073,000
Adjustments to Base and Technical Adjustments	-1	-1	1,609,000
2019 Current Services	52	52	27,682,000
2019 Program Increase	0	0	0
2019 Request	52	52	27,682,000
<b>Total Change 2018-2019</b>	<b>-1</b>	<b>-1</b>	<b>1,609,000</b>

<b>Legal Education Information Technology Breakout</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2017 Enacted	4	4	1,646,000
2018 Continuing Resolution	4	4	1,670,000
Adjustments to Base and Technical Adjustments	0	0	25,000
2019 Current Services	4	4	1,695,000
2019 Request	4	4	1,695,000
<b>Total Change 2018-2019</b>	<b>0</b>	<b>0</b>	<b>25,000</b>





## 1. Program Description–Legal Education

The Office of Legal Education (OLE) develops, conducts, and authorizes the training of all federal legal personnel [28 C.F.R. §0.22 (1990)]. OLE coordinates legal education and attorney training for the Department of Justice and other departments and agencies of the Executive Branch. Virtually all of OLE’s classroom training is conducted at the National Advocacy Center (NAC), a premier federal training facility in Columbia, South Carolina. The NAC features an integrated instructional and residential facility.

In FY 2017, OLE managed 172 courses and events at the NAC, as well as offsite locations, including traditional advocacy skills training, seminars on substantive areas of the law, leadership training, and litigation technology training. In FY 2017, 21,393 individuals participated in training hosted by OLE (11,912 attended residential training through courses or other events and 9,481 individuals received training through one of OLE’s distance education offerings).

For all of its programs, OLE uses experienced federal trial and appellate attorneys as instructors to present lectures, lead discussion groups, direct evidentiary exercises, and offer personalized critiques. Federal judges also participate in OLE’s advocacy courses, presiding over mock trials and mock appellate arguments. The caliber of the OLE faculty and the use of sophisticated videotaping facilities provide students with unique training experiences in trial and appellate advocacy. A significant feature of the advocacy training is the use of “learn-by-doing” exercises which concentrate on courtroom skills. These exercises simulate courtroom activities and provide students with classroom critiques and individual video replay analysis.

OLE helped support the United States Attorneys’ community by designing and delivering training to support the Attorney General’s priority initiatives, including seminars on violent crime and firearms prosecutions, narcotics, and criminal immigration. Additionally, OLE developed several distance education programs on opioid prosecutions, and programs highlighting the lessons learned from high profile prosecutions such as the Boston Marathon Bombing case.

Another priority issue, human trafficking, will be published in October. In addition to editing the *Bulletin*, the Publications Unit edited the *Federal Criminal Trial Techniques and Courtroom Evidence* blue book, and published the new *National Security Prosecutors’ Manual*. Updates to the *Firearms Manual* will be published this fall. The Publications Unit continued to maintain and update USABook, an online legal resource available on the Department intranet that includes electronic versions of all OLE publications, indictment forms, and jury instructions for all circuits, as well as many significant monographs and litigation manuals. In FY 2017, the USABook site received more than 822,010 page views, up from 730,000 page views in FY 2016.

The National Security (NS)/Legal Programs/Civil Team responded to a broad array of training needs this fiscal year. OLE sponsored twelve National Security (NS) residential courses, including ten courses hosted at the NAC and two courses hosted in the National Capitol Region at Sensitive Compartmented Information Facilities at the TOP SECRET clearance level. In



addition, NS hosted a working group meeting at the National Security Division (NSD), which included national security prosecutors from across the USAO community meeting with NSD Trial Attorneys and senior leaders to strategically plan training for the fiscal year.

During FY 2017, the Indian Country Team provided residential and distance learning on a variety of topics, including Criminal Jurisdiction in Indian Country; Prosecution of Domestic Violence; and Child Fatalities, Neglect, and Abuse. In addition to OLE sponsored training, the Indian Country Training Director worked with other agencies to develop distance education, including a training video on the domestic violence fatality review process for tribal leadership and criminal justice personnel.

During fiscal year 2017, OLE supported EOUSA's commitment to develop the capacity of USAOs to conduct modern eLitigation. In support of EOUSA's eLitigation initiative, the CD/ISD Team worked with OLE Associate Director to develop a training plan to ensure that all employees have the legal and technical eLitigation competencies required for their positions. The team developed the survey used to assess baseline competencies on eLitigation within the USAOs, and continues to work with OLVP to identify eLitigation competency gaps through surveys of identified courses and through the district self-assessments provided to the eLitigation Advising Project Team. The CD/ISD team has met with each training team and a representative of the eLitigation working group to identify appropriate courses in which to embed eLitigation training in FY 2018.

During FY 2017, the Litigation Technology and Support Team (LTST) executed 15 residential courses or working groups at the NAC, as well as two courses in DC and one on the west coast training support staff, attorneys, and IT personnel. Additionally, the LTST conducted five distance education events. The LTST will continue to work closely with OLVP, LTHD, and the eLitigation Working Group to identify, develop, and deliver training in support of this important initiative.

Recognizing the need to provide more distance learning opportunities, the Distance Education Team and the Justice Television Network (JTN) staff continued to live stream presentations from classroom training at the NAC. Sixty-six presentations were live-streamed in FY 2017, and these programs were accessed by 2,394 viewers. Additionally, JTN broadcast 611 programs, including 26 programs eligible for Continuing Legal Education (CLE). The Distance Education Team developed 18 computer-based trainings, including a Captivate program for EEO on Reasonable Accommodations.

OLE continued to update and expand its Video on Demand (VOD) library, permitting USAO and DOJ litigating division employees to view OLE programming "on demand" at their desktop through the Department's Learning Management System, learnDOJ. The Distance Education Team developed 124 new videos for uploading to learnDOJ. There are currently more than 856 programs available, including programs on *Brady/Giglio*, e-Discovery, and a New Employee Orientation. In FY 2017, DOJ employees completed 67,562 videos in the VOD library.



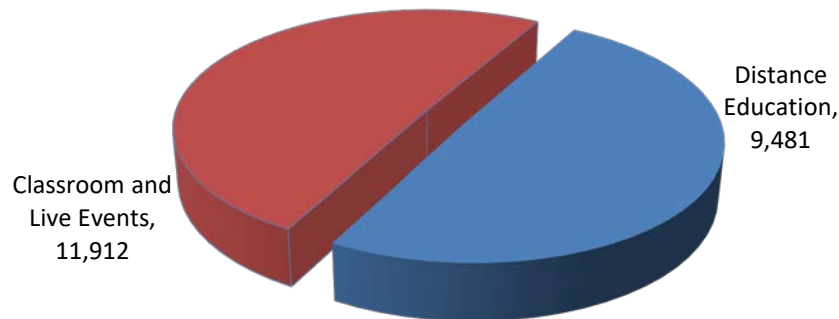
The CLE Team continued its work with West Accreditation Service (WAS) to refine and simplify the automated process for processing CLE credit online and making applications accessible via both types of mobile phones, Droid and iPhone, resulting in faster, more efficient service to users.

In FY 2017, OLE continued to provide additional web-based CLE through its contract with West LegalEdcenter, offering 24-hours a day access to more than 6,000 CLE programs from more than 50 leading CLE providers. During FY 2017, over 2,000 Department employees viewed 12,978 programs on West LegalEdcenter, earning 13,769 CLE credits, further expanding OLE’s ability to provide needed training.

OLE continued its tradition of providing training support to Department of Justice personnel, assisting foreign prosecutors through the Criminal Division’s Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). In FY 2017, OLE staff hosted visiting prosecutors from the countries of Chile, Colombia, Georgia, and Nigeria, providing information on principals of adult learning, curriculum design, program management, and faculty development. OLE assisted with faculty development training for OPDAT staff and for foreign prosecutor trainers from various countries in North Africa and the Middle East.

In FY 2017, OLE sponsored classroom training and other live events for 11,912 individuals. In addition, approximately 9,481 individuals were trained through one of OLE’s distance education offerings, including continuing legal education programs broadcast via satellite, and other means, for a total of 21,393 students trained in FY 2017.

### FY 2017 Individuals Trained



This compares with a total of 25,326 in FY 2016 – 12,764 individuals trained in-person and 12,562 individuals trained by satellite, videotape and other training.



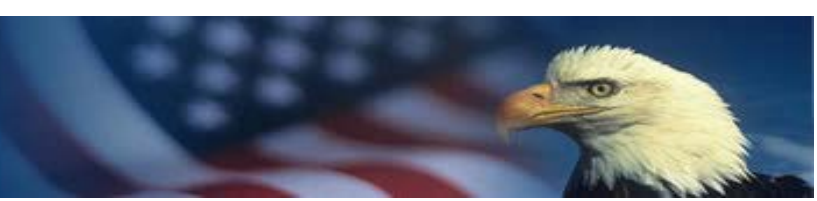
## **2. PERFORMANCE AND RESOURCE TABLE**

Performance Materials will be provided at a later date



### 3. Performance, Resources, and Strategies

Performance Materials will be provided at a later date



## V. Program Increases by Item

**Item Name:** Paralegal Support

**Budget Decision Unit(s):** Criminal and Civil Litigation

Program Increase: Positions **75** Attorney **0** FTE **38** Dollars **\$4,668,000**

### **Description of Item**

The United States Attorneys request a total of **75 positions and \$4,668,000** for paralegal support to assist with increasingly complex cases prosecuted by the United States Attorneys' offices (USAOs). This request will support the Assistant United States Attorneys (AUSAs) as they prepare their document-intensive cases to carry out the Administration's priorities and other mission critical needs, to include supporting the additional 300 prosecutors requested in FY 2018. Paralegals are an integral part of the litigation process, and are assigned to particular sections to perform a wide variety of tasks, such as assisting with busy criminal and civil caseloads, a variety of technical eDiscovery needs, and relieving AUSAs of their responsibilities associated with trial preparation.

### **Justification**

USAOs around the country face exceedingly complex caseloads. Many investigations take months or years and generate countless documents and other evidence that must be organized and managed. The bulk of today's evidence consists of electronically stored information, which is generated on thousands of different devices and in hundreds of file formats. Case teams must be able to collect, analyze, store, produce, and present voluminous electronic data in an efficient and legally defensible manner. In this environment, attorneys need a different kind of support staff to help them with their work and ensure that legal job functions are distributed in a practical and cost-effective manner. They need the assistance of more highly skilled paralegals. These paralegals need strong traditional legal research and writing skills, but they also must have highly-developed computer skills to effectively prepare complex materials for electronic discovery productions and courtroom presentations.

The USAOs lack sufficient qualified paralegal support to assist with these increasingly technical duties. Currently, paralegals, legal assistants, and even AUSAs (often with little background in information technology) must navigate how best to handle large amounts of data for use in data intensive cases, creating a risk that it will not be handled appropriately.





Without proper planning, the skill mix of the federal workforce will not reflect tomorrow's changing mission. The composition of the USAOs' workforce needs to adapt in size and competencies to handle changes in mission, technology, labor markets, the law, its practice, and the tools used in support of the United States Attorneys' mission. We must ensure that each USAO has sufficient access to qualified legal support staff who have the expertise necessary to consult with attorneys on technical issues and to institute and follow defensible practices with respect to electronic data. This requires a significant effort focused not only on improving the competencies of existing employees through training but also by hiring new legal support employees with the appropriate skill sets.

### **Impact on Performance**

Paralegal support is critical to the analysis of ever increasing amounts of voluminous and complex data, spanning a broad array of cases prosecuted by the USAOs. By increasing professional paralegal staff, we will better leverage our attorney resources and assist the USAOs in their ability to carry out their prosecutorial mission in support of the Administration's priorities. With these additional resources, offices will be able to resolve meritorious cases more efficiently, with fewer attorney hours expended, and meet emerging needs.



## Paralegal Support Funding

### Base Funding

FY 2017 Enacted				FY 2018 Request				FY 2019 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
979	0	979	96,181	0	0	0	0	979	0	979	96,181

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2019 Request (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)	FY 2021 Net Annualization (change from 2020) (\$000)
Professional Support	62.24	75	4,668	3,431	1,294
<b>Total Personnel</b>		<b>75</b>	<b>4,668</b>	<b>3,431</b>	<b>1,294</b>

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2019 Request (\$000)	FY 2020 Net Annualization (Change from 2019) (\$000)	FY 2021 Net Annualization (Change from 2020) (\$000)
N/A	N/A	N/A	N/A	0	0
<b>Total Non-Personnel</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2020 Net Annualization (Change from 2019) (\$000)	FY 2021 Net Annualization (Change from 2020) (\$000)
Current Services	979	0	979	96,181	0	96,181	0	0
Increases	75	0	38	4,668	0	4,668	3,431	1,294
<b>Grand Total</b>	<b>1,054</b>	<b>0</b>	<b>1,017</b>	<b>100,849</b>	<b>0</b>	<b>100,849</b>	<b>3,431</b>	<b>1,294</b>



## VII. EXHIBITS

