

UNITED STATES
DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEYS



FY 2022
CONGRESSIONAL JUSTIFICATION

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I. Overview of the United States Attorneys

A. Introduction

For FY 2022, the United States Attorneys request **\$2,539,248,000** and 11,534 positions, of which 6,013 are attorneys. The budget request includes program increases of 315 positions, including 160 Attorneys and \$119,380,000 to support efforts focused on COVID-related fraud; domestic terrorism; prosecutions associated with the Supreme Court’s *McGirt v. Oklahoma* decision; and eLitigation.

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:

<https://www.justice.gov/doj/fy-2021-CJ>

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 and seek to ensure that 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 the Department's senior 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's subcommittees and working groups plays an important role in addressing Administration priorities.

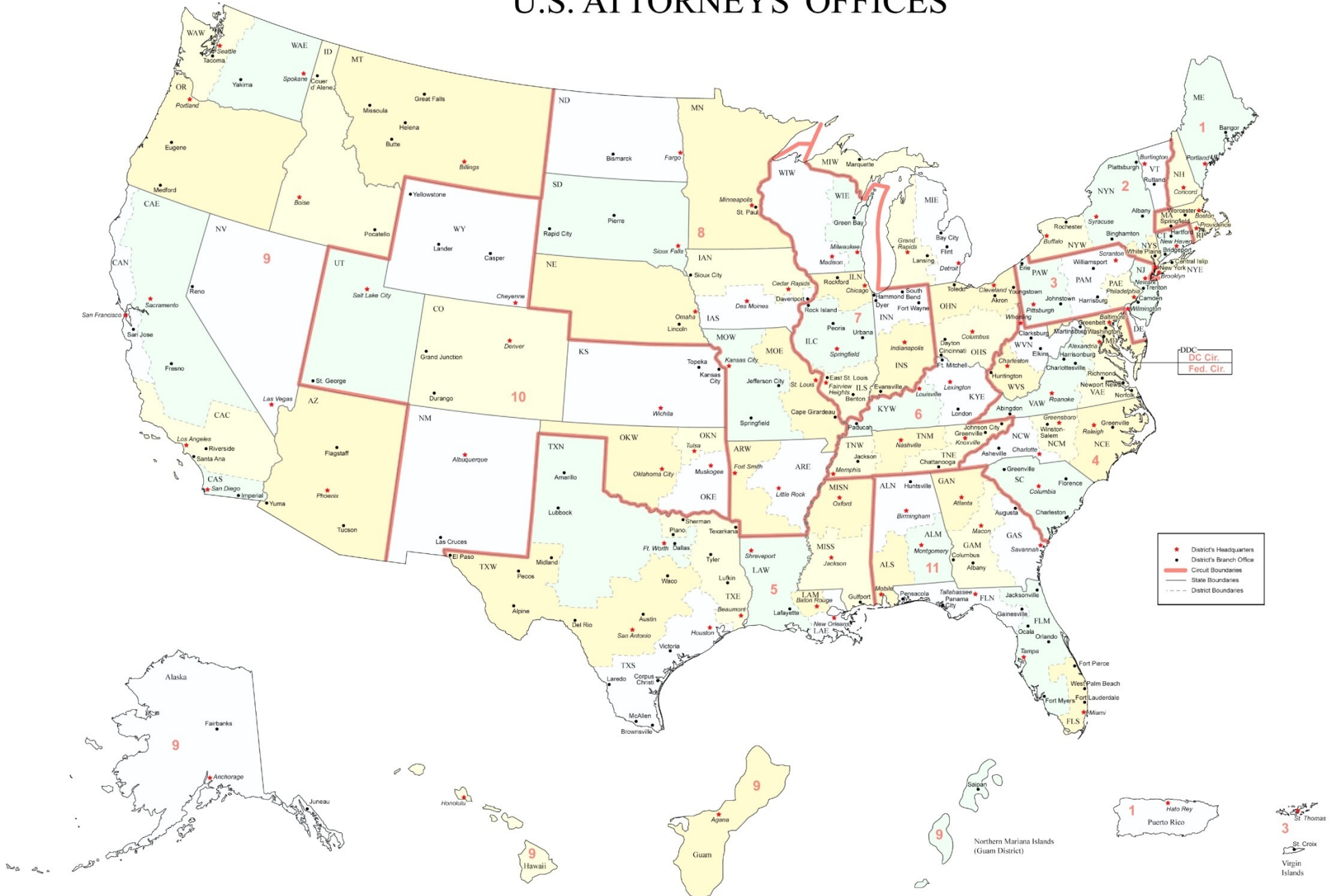
Examples of recent subcommittees include:

- Asset Recovery
- Border and Immigration Law Enforcement
- Controlled Substances
- Cyber/Intellectual Property
- Law Enforcement Coordination & Relations
- Management, People & Performance
- Native American 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
- 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 expediter with respect to the Offices of the United States Attorneys, and between these offices and other elements of the Department [of Justice].” 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. See Exhibit A for an organizational chart of EOUSA.

Under 28 CFR § 0.22, the Executive Office for United States Attorneys shall be under the direction of a Director who shall:

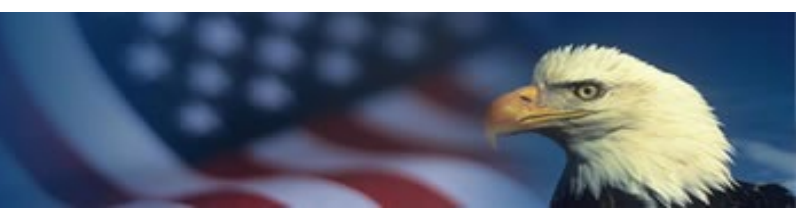
- A. Provide general executive assistance and supervision to the Offices of the U.S. Attorneys, including:
 - 1) Evaluating the performance of the Offices of the U.S. Attorneys, making appropriate reports and inspections, and taking corrective action where indicated.
 - 2) Coordinating and directing the relationship of the Offices of the U.S. Attorneys with other organizational units of the Department of Justice.
- B. Publish and maintain the Justice Manual for the internal guidance of the U.S. Attorneys’ offices and those other organizational units of the Department concerned with litigation.
- C. Supervise the operation of the Office of Legal Education, which shall provide training to all Department of Justice attorney and non-attorney legal personnel and publish the Department of Justice Journal of Federal Law and Practice.
- D. Provide the Attorney General’s Advisory Committee of United States Attorneys with such staff assistance and funds as are reasonably necessary to carry out the Committee’s responsibilities (28 CFR 0.10(d)).
- E. Establish policy and procedures for the satisfaction, collection, or recovery of criminal fines, special assessments, penalties, interest, bail bond forfeitures, restitution, and court costs in criminal cases.

The major functions of EOUSA are to:

- Provide support to the Deputy Attorney General regarding United States Attorney appointments.
- Provide general direction and supervision of the management and policy activities of the United States Attorneys’ financial litigation programs, including the establishment of policy and procedures for debt collection activities, affirmative civil enforcement and bankruptcy litigation, litigative and technical support, training, publication of



- newsletters, coordination and implementation of legislative initiatives and the establishment of guidelines, and procedures on criminal fine collection issues.
- Provide general legal interpretations, opinions, and advice to United States Attorneys in areas of recusals, cross-designations, outside activities, representation, allegations of misconduct, adverse actions, grievances, labor relations, and ethical and conflict of interest questions.
 - Provide general support to the United States Attorneys in matters involving Assistant United States Attorney and Special Assistant United States Attorney appointments.
 - Provide overall administrative management oversight and support to the United States Attorneys in the program areas of facilities management (to include acquisition of real property/space, construction, renovation, repair, and relocation); and support service programs (to include personal property management, small purchases procurement, motor vehicle support, telephone systems, printing, and records disposition).
 - Provide overall management oversight and support to the United States Attorneys in the area of security programs (to include physical security, information security, communications, security, security awareness and safety).
 - Analyze, design, and provide automated services and systems in support of the litigation mission and of selected administrative functions of the United States Attorneys' offices including development, implementation, and monitoring of policies and programs for office automation, systems development activities, and data base maintenance.
 - Design, develop, and support the operations and software for caseload and collections systems and administrative/litigative applications in the districts and in central systems; provide technical assistance; produce the Annual Statistical Report; and monitor the quality of the data of the USAOs.
 - Support the USAOs in the conduct of their law enforcement coordination programs.
 - Serve as the liaison on victim-witness assistance activities within the USAOs, supporting the United States Attorneys in their work relating to these matters.
 - Provide budget and fiscal assistance and guidance to the 94 USAOs.
 - Respond to requests under the Freedom of Information Act and Privacy Act (FOIA/PA) on behalf of the USAOs, coordinate and respond to litigation arising from these matters, and provide advice and training to the United States Attorneys' staffs relating to FOIA/PA.
 - Respond to inquiries from members of Congress and private citizens and review and comment on legislative and regulatory proposals relating to the activities of 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; firearms and violent crime; identity theft; public corruption; procurement, securities, and mortgage fraud; gangs and organized crime; drug enforcement; human trafficking; illegal immigration; southwest border enforcement; and criminal civil rights. Many of these cases involve multiple defendants and are extremely complex.



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 Constitution and 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 Courts of Appeal. 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 Program (FLP) responsible for criminal and civil debt collection activities as well as an Affirmative Civil Enforcement staff devoted to civil debt collection.

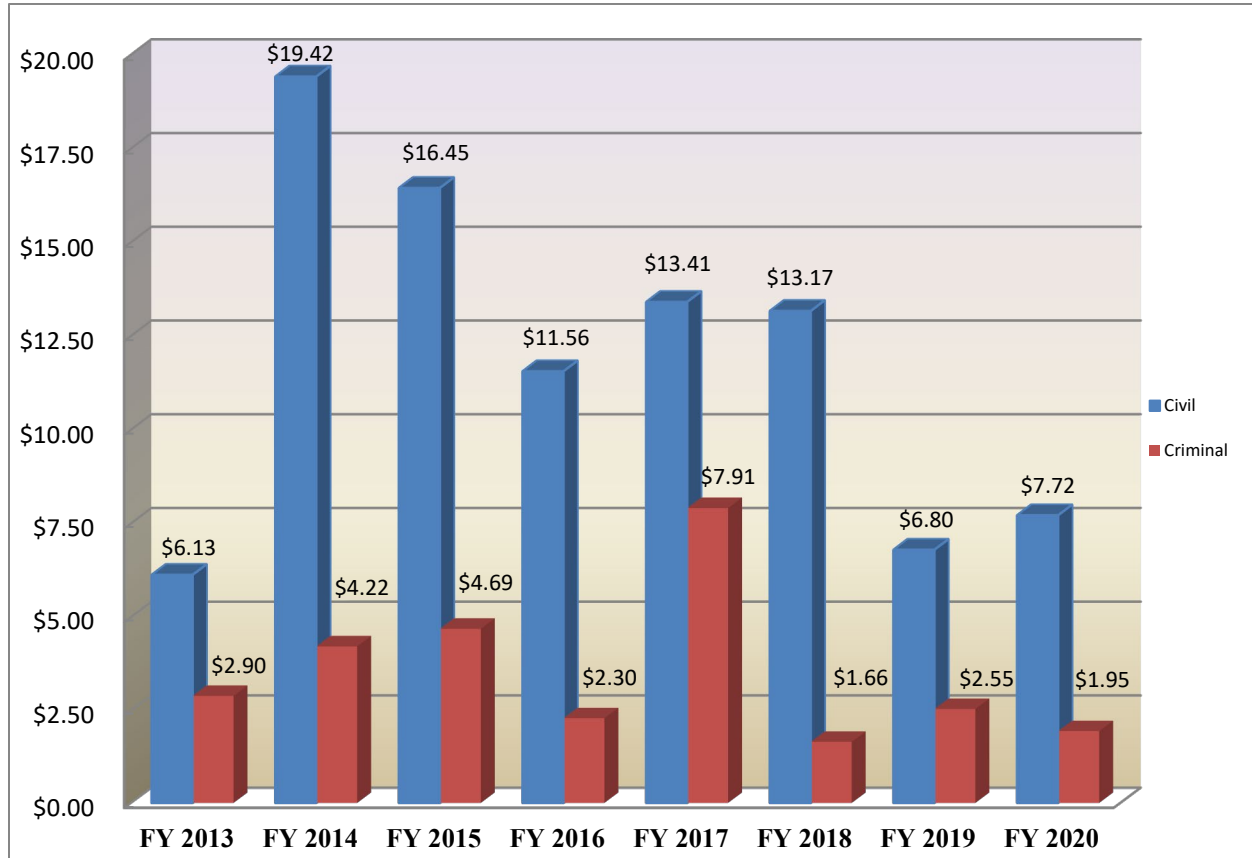
Debts are incurred by a criminal defendant when the defendant is sentenced by the court. These debts may be in the form of restitution to crime victims, fines imposed by the court, special assessments on each criminal conviction count, costs of prosecution and other costs, or forfeitures of appearance 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, and 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 2013 through the end of FY 2020.

Debt Collection Chart (in billions)



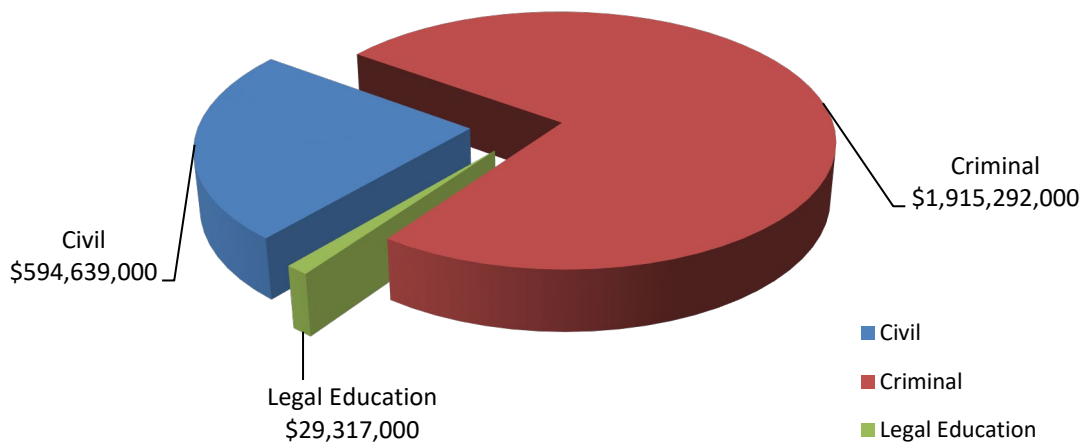
In FY 2020, the USAOs collected \$9.67 billion in criminal and civil debts. Of the total debts collected, USAOs recovered \$1.95 billion in criminal debts and \$7.72 billion in civil debts. The United States Attorneys’ FY 2020 collection efforts, handled by a very small percentage of the total workforce, returned to the Treasury significant funding as compared to the \$2.25 billion appropriated in the FY 2020 budget for the entire United States Attorneys’ community.



B. Full Program Costs

The United States Attorneys' **\$2,539,248,000** budget request for FY 2022 is divided into three decision units: criminal, civil, and legal education.

FY 2022 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 2022. 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. Ongoing efforts ensure that meaningful partnerships with local law enforcement, public officials, and leaders in communities to safeguard the public remain relevant and collaborative. 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 continues to evolve in response to new technologies and law enforcement efforts. The proliferation of synthetic drugs requires additional analytical resources to accurately identify and schedule the compounds. Continued high levels of heroin abuse continue to put a strain on Department resources, particularly in terms of need for additional outreach and education to state and local communities. Increased diversions of pharmaceutical drugs create a challenge for prosecution, as the process is extremely technical, time-consuming and document intensive. 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 these criminal activities as they emerge so law enforcement can address these crimes in a timely and comprehensive manner.

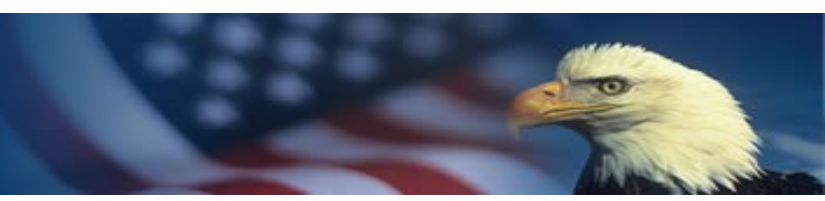
Keeping Pace with Technology: New technologies have generated cutting-edge methods for committing crimes, such as the use of the dark web and encryption. The USAOs must also keep pace with the exponentially increasing volume and complexity of data associated with a diverse range of cases. The United 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 eLitigation 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 and data analytics capabilities.



Internal Challenges

Maintaining a Skilled Workforce: To address certain external changes and challenges, such as increasing amounts of electronic litigation (eLitigation), the United States Attorneys need employees who can adapt to changes in the law, its practice, and the case analysis 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.

Adapting to Changing Technology: As technology has evolved, so have the types and amount of electronically stored information that comprises critical evidence in our investigations and cases. To keep pace with technological changes and to ensure that our criminal and civil cases are adequately supported, the United States Attorneys must develop an integrated approach to eLitigation that focuses on the protocols, best practices, and technological tools needed to identify, collect, process, review, analyze, and present electronic evidence.



II. Summary of Program Changes

For FY 2022, the United States Attorneys’ budget request is \$2,539,248,000, which includes program changes totaling 315 positions; 159 FTE; and \$119,380,000. The program changes are outlined in the chart below:

Item Name	Description				Page
	Purpose	Pos.	FTE	Dollars (\$000)	
COVID – Related Fraud	Funding is requested for term attorneys and for contractual support to combat fraud related offenses associated with the novel coronavirus (COVID-19). Funding will be used to investigate, disrupt, and potentially prosecute COVID-19 related fraud. The funding and positions will non-recur in the future.	100	50	\$26,380	38
Domestic Terrorism (DT)	Funding will be used to combat domestic terrorism (DT) and to support an effort to modernize the USAOs’ technological and case management systems. Funding is needed to provide the USAOs with additional prosecutors and support personnel to address the increase in DT-related federal prosecutions.	100	80	\$40,000	42
McGirt Prosecutions	Funding will be used for necessary case related expenses of the affected USAOs to address the increase in caseloads resulting from the <i>McGirt v. Oklahoma</i> decision.	0	0	\$33,000	44
eLitigation Initiative	Funding will be used to support employee skills, training, and technology-based tools necessary to handle the identification, collection, processing, review, analysis, and presentation of evidence.	115	29	\$20,000	47
TOTAL		315	159	\$119,380	



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, [\$2,342,177,000] \$2,539,248,000: Provided, That of the total amount appropriated, not to exceed \$7,200 shall be available for official reception and representation expenses: Provided further, That not to exceed \$25,000,000 shall remain available until expended: Provided further, That each United States Attorney shall establish or participate in a task force on human trafficking.

Appropriations Language Analysis:

No substantive changes have been proposed.

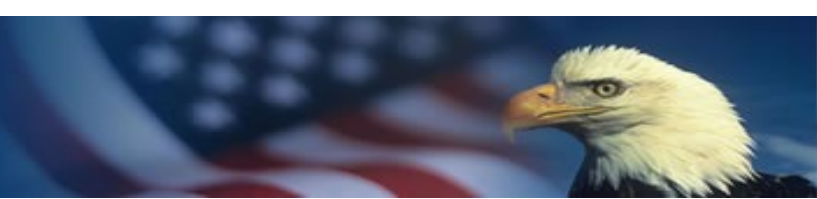


IV. Program Activity Justification

A. Criminal

Criminal Litigation	Perm. Pos.	FTE	Amount
2020 Enacted	8,619	7,700	\$1,694,050,000
2021 Enacted	8,619	7,700	\$1,763,880,000
Adjustments to Base and Technical Adjustments	0	0	\$51,768,000
2022 Current Services	8,619	7,700	\$1,815,648,000
2022 Program Increases	229	127	\$99,644,000
2022 Request	8,848	7,827	\$1,915,292,000
Total Change 2021-2022	229	127	\$151,412,000

Criminal Litigation Information Technology Breakout	Perm. Pos.	FTE	Amount
2020 Enacted	310	310	\$134,223,000
2021 Enacted	310	310	\$136,237,000
Adjustments to Base and Technical Adjustments	0	0	\$2,044,000
2022 Current Services	310	310	\$138,281,000
2022 Program Increase	4	1	\$5,986,000
2022 Request	314	311	\$144,267,000
Total Change 2021-2022	4	1	\$8,030,000



1. Program Description–Criminal Program Activity

The Department remains committed to doing its part to protect the American people from the impact of targeted violence associated with deadly shootings, hate-based ideology, drugs, and drug-related crime nationwide. The United States Attorneys will continue to play a vital role in combating violent crime, leveraging a multi-agency focus on particularly hard-hit areas by using innovative means to locate individuals, organizations, and gangs within specific high crime jurisdictions.

Domestic Terrorism (DT), poses one of the most significant threats to our Nation. The term “domestic terrorism” is interpreted broadly and includes all violent criminal acts in furtherance of ideological goals stemming from domestic influences, such as racial bias, and anti-government sentiment. The USAOs, FBI, and numerous components across the Justice Department play a critical role in identifying, disrupting, and holding accountable domestic terrorists who engage in criminal conduct. In confronting this threat, the Department will ensure that it is using all available tools while remaining steadfast in protecting civil liberties and the rule of law.

USAO Success Story – Targeted Violence

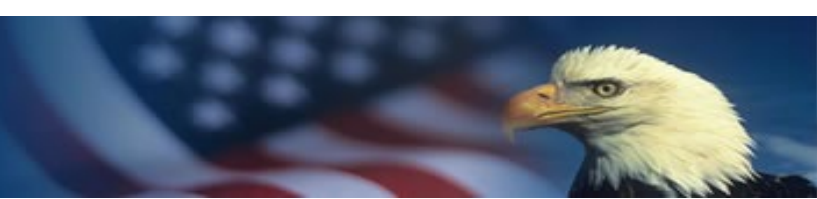
United States v. Richard Holzer

In February 2021, in the **District of Colorado**, Richard Holzer was sentenced to more than 19 years in federal prison, followed by 15 years of supervised release. Holzer, who self-identifies as a Neo-Nazi and white supremacist, pled guilty to federal hate crime and explosives charges for plotting to blow up the Temple Emanuel Synagogue in Pueblo, Colorado, conduct that constituted acts of domestic terrorism.

While prosecuting terrorism, both international and domestic, will remain a top priority, opioid and drug prosecutions will continue to be a priority, with a particular emphasis on the operations of large drug organizations. In addition, the USAOs are investigating and prosecuting a variety of coronavirus-related fraud. The majority involve individuals and entities fraudulently targeting various federal and local government relief programs that have been created or used to support individuals and businesses adversely impacted by the pandemic. The USAOs will also focus resources on targeting emerging threats in cybercrime.

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

- The USAO in the **Western District of Pennsylvania**: In December 2019, three members of the GozNym cybercrime network were sentenced in parallel multi-national prosecutions in the Pittsburgh, Pennsylvania, and Tbilisi, Georgia. The GozNym network, led by Georgian national Alexandar Konovolov, used GozNym malware in an attempt to steal an estimated \$100 million from unsuspecting victims in the United States and around the world by controlling more than 41,000 victim computers. Konovolov



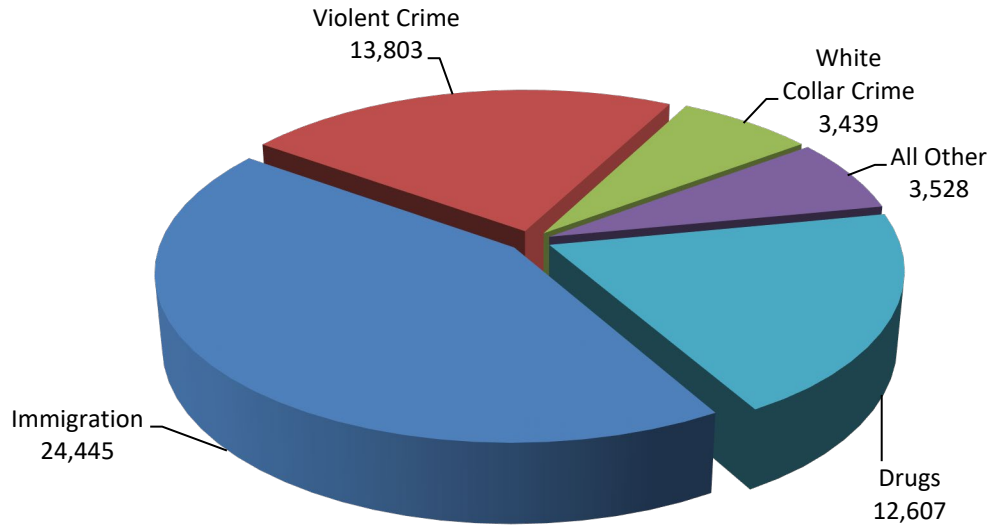
and co-conspirator Marat Kazandjian were sentenced in Georgia to seven and five years of imprisonment, respectively. Co-conspirator Krasimir Nikolov was sentenced in the Western District of Pennsylvania to 39 months of imprisonment and will be subject to removal from the United States to Bulgaria. <https://www.justice.gov/usao-wdpa/pr/three-members-goznym-cybercrime-network-sentenced-parallel-multi-national-prosecutions>

- The USAO in the **District of New Hampshire**: In February 2020, a federal jury found Johnathon Irish guilty of one count of being a felon in possession of firearms after a four-day trial. Irish previously was convicted of aiding and abetting the making of a material false statement in connection with the acquisition of a firearm and making a material false statement to a federal agent. In light of his felony convictions, he is legally prohibited from possessing firearms. Evidence presented at trial showed that between December of 2018 and November of 2019, Irish possessed at least two firearms, a Sig Sauer 1911, .45 caliber pistol and a Catamount Fury, 12-gauge shotgun. <https://www.justice.gov/usao-nh/pr/littleton-felon-convicted-unlawfully-possessing-firearms>
- The USAO in the **District of Kansas**: In December 2020, a Missouri man, William Lockwood, with a prior child sexual exploitation conviction was sentenced to 12 years in federal prison for possessing child pornography. In addition, the defendant was ordered to pay \$3,000 in restitution. Lockwood pleaded guilty to one count of possessing child pornography. The investigation began when Dropbox sent a tip to the National Center for Missing and Exploited Children. In his plea, Lockwood admitted he uploaded child pornography to the Dropbox account and provided access to other users. Investigators seized 26 videos of child sexual abuse from Lockwood's account. In 2012, Lockwood was convicted in Collier County, Fla., on a charge of obscene communication for the purpose of luring a child for sex. <https://www.justice.gov/usao-ks/pr/missouri-man-prior-child-sex-conviction-sentenced-possessing-child-porn-kansas>
- The USAO in the **Middle District of Alabama**: In October 2020, a former Montgomery, Alabama physician, Richard A. Stehl received a 15-year prison sentence. The sentence follows Stehl's December 2019 conviction on 94 counts of unlawfully distributing controlled substances, two counts of health care fraud, and five counts of money laundering. The trial evidence showed that, from 2010 through 2018, Stehl operated a medical practice, Healthcare on Demand. At his practice, Stehl prescribed addictive controlled substances, including hydrocodone cough syrup, Adderall, Xanax, Klonopin, Valium, and Ativan, despite knowing no legitimate medical purposes existed to support these prescriptions. <https://www.justice.gov/usao-mdal/pr/montgomery-doctor-sentenced-15-years-following-drug-distribution-health-care-fraud-and>



Criminal Workload

FY 2020 Felony Cases Filed – 57,822



In FY 2020, the USAOs filed 57,822 felony criminal cases against 72,405 defendants in United States District Court. The above chart shows the types of cases filed by the USAOs. In addition to a total of 57,822 cases filed, a total of 56,265 cases against 68,739 defendants were closed during FY 2020. Of the 68,739 defendants whose cases were closed, 94 percent or 64,311, either pled guilty or were found guilty after a trial. Of these, 44,219 defendants received prison sentences; and 77 of these defendants received sentences of life imprisonment.

2. PERFORMANCE AND RESOURCE TABLE

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Criminal												
RESOURCES			Enacted		Actual		Projected		Changes		Requested (Total)	
			FY 2020		FY 2020		FY 2021		Current Services Adjustments and FY 2022 Program Changes		FY 2022 Request	
Total FTE and Costs			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			7,700	1,694,050	7,489	1,697,050	7,700	1,763,880	127	151,412	7,827	1,915,292
Reimbursable FTE and Costs: (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)												
			200	[84,574]	122	[45,542]	170	[47,685]	3	0	173	[47,685]
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2020		FY 2020		FY 2021		Current Services Adjustments and FY 2022 Program Changes		FY 2022 Request	
Performance Measure: Output	1.2;2.1;3.1;3.2	Number of Cases - Defendants Handled	201,831		191,051		192,962		1,930		194,892	
Performance Measure: Efficiency	1.2;2.1;3.1;3.2	Total Defendants Terminated	80,103		68,739		69,426		694		70,120	
Performance Measure: Outcome	1.2;2.1;3.1;3.2	Total Defendants Guilty	74,673		64,311		64,954		650		65,604	
Performance Measure: Outcome	1.2;2.1;3.1;3.2	Percentage of Cases Favorably Resolved	90.00%		94.00%		90.00%		0		90.00%	

Data Definition, Validation, Verification, and Limitations: Data is collected from the USA-5 monthly Resource Summary Report System, which summarizes the use of personnel resources allocated to USAOs. Data is also taken from the United States Attorneys' central Case Management System, which contains district information including criminal matters, cases, and appeals. The USAOs are required to submit bi-annual case data certifications to EOUSA. The data is reviewed by knowledgeable personnel such as supervisory attorneys and legal clerks in each district. Attorneys and support personnel are responsible for ensuring that local procedures are followed for maintaining the integrity of the data in the system. Terrorism cases include hoax and financing cases, as well as the traditional domestic and international terrorism cases. Terrorism-related cases involve national security/critical infrastructure, which are prosecuted against defendants whose criminal conduct may or may not be terrorist-related, but whose conduct affects national security or exposes critical infrastructure to potential terrorist exploitation. Note that the number of terrorist convictions does not reflect the range of prosecutorial work performed by USAOs that results in disruption of terrorist activity, and other work that does not result in criminal prosecutions because of intelligence gathering and other national security considerations.

2. PERFORMANCE AND RESOURCE TABLE

PERFORMANCE MEASURE TABLE										
Decision Unit: Criminal										
Strategic Objective	Performance Report and Performance Plan Targets		FY 2016	FY 2017	FY 2018	FY 2019	FY 2020		FY 2021	FY 2022
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
1.2; 2.1; 3.1;3.2	Performance Measure	Number of Cases - Defendants Handled	176,451	175,134	186,119	199,833	201,831	191,051	192,962	194,891
1.2; 2.1; 3.1;3.2	Performance Measure	Total Defendants Terminated	71,838	70,211	72,557	79,310	80,103	68,739	69,426	70,121
1.2; 2.1; 3.1;3.2	Performance Measure	Total Defendants Guilty	66,670	65,309	67,595	73,934	71,673	64,311	64,954	65,604
1.2; 2.1; 3.1;3.2	OUTCOME Measure	Percentage of Cases Favorably Resolved	93.0%	93.0%	90.0%	93.0%	90.0%	94.0%	90.0%	90.0%



3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

In the criminal area, the performance outcome measure for the United States Attorneys is the *percentage of criminal cases favorably resolved* during the fiscal year. The United States Attorneys' community has consistently met or exceeded its goal of 90 percent.

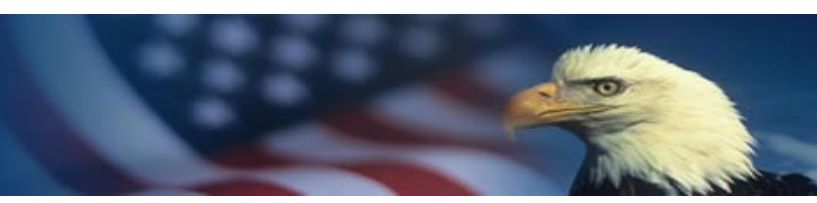
The United States Attorneys will continue to play a vital role in combating violent crime across the country. Protecting the American people from terrorism, both international and domestic, will remain a top priority of the Department. The main terrorism threat to the homeland is from domestic terrorists, who are primarily radicalized online and look to attack soft targets with readily available weapons. The United States Attorneys will use every resource provided to us by the Department and Congress to identify and disrupt threat issues to keep our communities safe.

The United States Attorneys will continue to prioritize cybercrime prosecutions, protecting Americans from future occurrences of computer hacking, data thefts and cyberattacks. Such threats can compromise national security and have the potential of crippling our nation's infrastructure. The USAOs' innovative efforts to identify and prosecute crimes against the elderly and to serve and protect our elder population are key components of the Department's overall strategy to combat elder abuse and financial exploitation, encourage reporting abuse, and educate the public to make America safer for all.

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.

The United States Attorneys continue to address the illegal use of firearms and other acts of violence in our communities. Drug prosecutions will also continue to be a priority, with a particular emphasis on the operations of large drug organizations. USAOs 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, the United States Attorneys will utilize the tools and resources available to develop and implement strategies for eradicating violent crime wherever it may occur.

Fraud, in any form, continues to be a Department of Justice priority. The United States Attorneys expect the workload to rise dramatically in the coming years because of fraud associated with the COVID-19 pandemic and the unprecedented government spending for pandemic relief. It will take several years to discover and investigate sophisticated schemes involving large-dollar relief programs such as the paycheck protection program (PPP), Economic



Injury Disaster Loans (EIDL), and Unemployment Insurance (UI), complex healthcare fraud schemes that take advantage of pandemic regulatory waivers, and fraud in healthcare provider payments. The USAOs' efforts continue to achieve tremendous results in combating fraud and protecting public rights and interests.

Anticipating the need to protect the integrity of taxpayer funds and to otherwise protect Americans from fraud related to the COVID-19 pandemic, the USAOs immediately stood up multiple efforts dedicated to identifying, investigating, and prosecuting such fraud. These cases involve attempts to obtain millions from the U.S. Government and unsuspecting individuals through fraud. These cases reflect a degree of reach, coordination, and expertise that is critical for enforcement efforts against COVID-19 related fraud to have a meaningful impact and is also emblematic of the Justice Department's response to criminal wrongdoing.

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

- The USAO in the **Western District of Oklahoma**: In January 2020, defendant Joseph Maldonado-Passage (aka "Joe Exotic") was sentenced to 22 years in prison after a federal jury convicted him of two counts of murder-for-hire, eight counts of violating the Lacey Act for falsifying wildlife records, and nine counts of violating the Endangered Species Act. In September 2018, a federal grand jury returned an indictment that accused Maldonado-Passage of hiring an unnamed person in November 2017 to murder "Jane Doe" in Florida and also hiring a person who turned out to be an undercover FBI agent to commit that murder. A superseding indictment handed down on November 7, 2018, further alleged Maldonado-Passage falsified forms involving the sale of wildlife in interstate commerce, killed five tigers in October 2017 to make room for cage space for other big cats, and sold and offered to sell tiger cubs in interstate commerce. Because tigers are an endangered species, these alleged killings and sales violated the Endangered Species Act.
<https://www.justice.gov/usao-wdok/pr/joe-exotic-sentenced-22-years-murder-hire-and-violating-lacey-act-and-endangered>

USAO Success Story – Fraud

The USAO in the **Northern District of Oklahoma**: Two men were charged after fraudulently applying for Paycheck Protection Program (PPP) forgivable loans guaranteed by the Small Business Administration (SBA) under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Rafael Maturino was charged with bank fraud after executing a scheme to defraud First Bank of Owasso when applying for a PPP loan under false pretenses on April 28, 2020. Adam Winston James was charged with aggravated identity theft after he executed a scheme to defraud Regent Bank when he applied for a PPP loan under false pretenses on May 6, 2020.
<https://www.justice.gov/usao-ndok/pr/two-men-charged-after-fraudulently-applying-paycheck-protection-program-loans>



- The USAO in the **Eastern District of Oklahoma**: In November 2020, Jimcy McGirt was found guilty by a federal jury of two counts of Aggravated Sexual Abuse In Indian Country, and one count of Abusive Sexual Contact in Indian Country in violation of Title 18, United States Code, Sections 1151, 1153, 2241(c) and 2246(2). Each count is punishable by not less than 30 years and not more than life imprisonment, a fine up to \$250,000, or both. Evidence presented at trial proved that in August 1996 the defendant knowingly engaged in sexual acts upon a child who was four years old at the time. In 1997, McGirt was tried and convicted of First-Degree Rape by Instrumentation, Lewd Molestation, and Forcible Sodomy in Wagoner County for this same conduct. However, while serving two 500 year sentences and life without parole in the Oklahoma Department of Corrections, McGirt appealed his conviction, arguing the Creek Nation Reservation had not been disestablished and therefore the State of Oklahoma did not have jurisdiction to prosecute him because he is a member of the Seminole Nation. On July 9, 2020, the United States Supreme Court held the Creek Nation Reservation had not been disestablished and therefore the State of Oklahoma had been without jurisdiction over McGirt. McGirt was retried and convicted federally following the Supreme Court’s decision. <https://www.justice.gov/usao-edok/pr/jimcy-mcgirt-found-guilty-aggravated-sexual-abuse-abusive-sexual-contact-indian-country>
- The USAO in the **Northern District of Florida**: In November 2020, Lawrence Lombardi was sentenced to serve an additional 33 years in federal prison. The sentencing hearing was a result of Lombardi’s conviction in 2000 for planting and detonating two pipe bombs on the campus of Florida Agricultural and Mechanical University (FAMU) in August and September of 1999. In 1999-2000, the United States Attorney’s Office for the Northern District of Florida prosecuted Lombardi for detonating two pipe bombs on the campus of the historically black university. Although no one was injured, the trial evidence left no doubt that the bombings were motivated by racial prejudice. The federal jury convicted Lombardi of six counts: two counts of maliciously damaging property, two counts of using a destructive device during and in relation to a crime of violence, and two counts of interfering with federally protected activities on the basis of race or color. Lombardi was subsequently sentenced to life plus 39 years in federal prison. In 2019, the United States Supreme Court decided *United States v. Davis*, 139 S. Ct. 2319 (2019), and held that part of the definition of a “crime of violence” is unconstitutionally vague. The district court heard victim impact statements from survivors of the bombings at the resentencing hearing before imposing a combined total sentence of 54 years. Lombardi has already served approximately 21 years in prison. <https://www.justice.gov/usao-ndfl/pr/convicted-pipe-bomber-sentenced-33-more-years-federal-prison>



b. Strategies to Accomplish Outcomes

The United States Attorneys play a central role in assisting the Department in accomplishing its Strategic Goals and Objectives by contributing to seven of the Department's eleven strategic objectives. In FY 2022, the United States Attorneys will continue to place a high priority on prosecutions related to national security as well as address other important priorities such as illegal immigration; border enforcement; illegal prescription and dispensing of opioids; violent crime; illegal firearms; gang prosecution; transnational organized crime; Indian Country prosecution, including *McGirt v. Oklahoma* related cases; cybercrime prosecutions; drug enforcement; human trafficking; and complex and multi-jurisdictional fraud – including elder justice, health care, identity theft, public corruption, corporate and investment fraud and COVID Fraud.

The United States Attorneys will also increase the use of technology in our practice of law. Technology provides a means to increase the productivity of existing resources. As criminal cases are increasingly electronic, providing technical training and recruiting a workforce with the skill sets needed to fully utilize the electronic tools available to the community are critical to the successful furtherance of our mission.

Other strategies include:

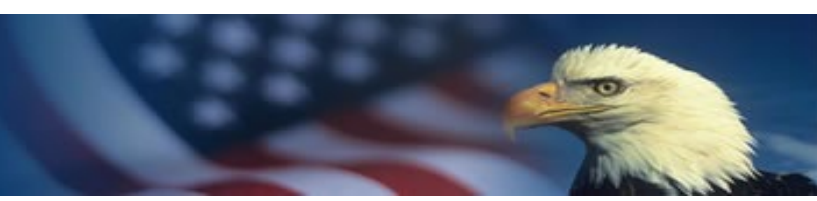
- Regular reviews and monitoring of case and workload data.
- Continuing to look at operational efficiencies in order to preserve human capital, which is our most valuable resource.
- Continuing to address emerging training needs through the Office of Legal Education.



B. Civil

Civil Litigation	Perm. Pos.	FTE	Amount
2020 Enacted	2,547	2,469	\$536,491,000
2021 Enacted	2,547	2,469	\$557,797,000
Adjustments to base and Technical Adjustments	0	0	\$19,186,000
2022 Current Services	2,547	2,469	\$576,983,000
2022 Program Increases	86	32	\$17,656,000
2022 Request	2,633	2,501	\$594,639,000
Total Change 2021-2022	86	32	\$36,842,000

Civil Litigation Information Technology Breakout	Perm. Pos.	FTE	Amount
2020 Enacted	84	84	\$36,137,000
2021 Enacted	84	84	\$36,679,000
Adjustments to Base and Technical Adjustments	0	0	\$550,000
2022 Current Services	84	84	\$37,229,000
2022 Program Increase	3	1	\$4,014,000
2022 Request	87	85	\$41,243,000
Total Change 2021-2022	3	1	\$4,564,000



1. Program Description–Civil Program Activity

Civil litigation pursued by the United States Attorneys falls into two basic categories: (1) affirmative civil litigation, in which the United States is the plaintiff; and (2) defensive civil litigation, in which the United States is the defendant. Affirmative civil litigation cases are actions taken by United States Attorneys to assert and protect the government’s interests. They include such issues as the enforcement of the nation’s environmental, admiralty, and civil rights laws, as well as the recovery of damages sustained by the government through fraud. The United States Attorneys also use affirmative civil litigation to recoup money owed and recover damages sustained by the government. Defensive civil litigation includes actions seeking monetary damages for alleged torts, contract violations, and discrimination by the United States and its agencies and employees. In FY 2020, the USAOs collected \$7.72 billion in civil debts, which is more than three times the entire United States Attorneys’ budget.

USAO Success Story

The USAOs in the **Central District of California** and **Western District of North Carolina**: In February 2020, Wells Fargo & Co. and its subsidiary, Wells Fargo Bank, N.A. agreed to pay \$3 billion to resolve three separate matters stemming from a years-long practice of pressuring employees to meet unrealistic sales goals which led thousands of employees to provide millions of accounts or products to customers under false pretenses or without consent, often by creating false records or misusing customers’ identities.

<https://www.justice.gov/usao-cdca/pr/wells-fargo-agrees-pay-3-billion-resolve-criminal-and-civil-investigations-sales>

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 expect to see a rise in cases in the coming years as a result of fraud associated with the pandemic and the unprecedented government spending for pandemic relief. It will

take several years to discover and investigate sophisticated schemes involving large-dollar relief programs such as PPP, EIDL, and UI, complex healthcare fraud schemes that take advantage of pandemic regulatory waivers, and fraud in healthcare provider payments. The USAOs’ efforts continue to achieve tremendous results in combating fraud and protecting public rights and interests. The United States Attorneys are also required to defend an increasing number of civil actions brought by immigration detainees who either are in deportation proceedings or are



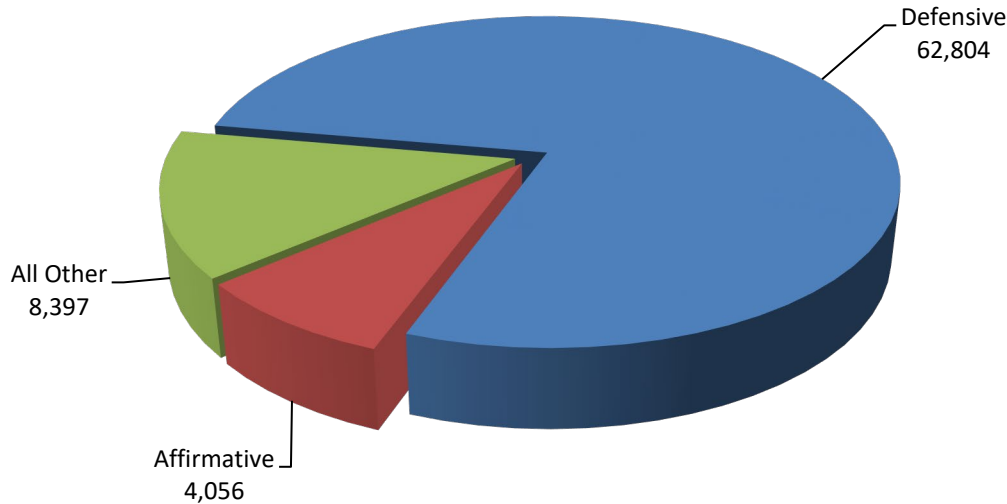
subject to final orders of deportation. Petitions for constitutionally required bond hearings brought by criminal aliens, challenges to denial of parole by arriving aliens, and expedited removal proceedings with respect to arriving aliens, present a growing challenge in the border states and at other locations with major ports of entry.

The following cases are examples of the United States Attorneys' civil successes:

- The USAO in the **District of Arizona**: Based on a referral from the Department of Veterans Affairs (VA) Office of Inspector General, the District of Arizona investigated whether TriWest Healthcare Alliance Corp. made and/or caused to be made false statements to the United States in connection with its administration of the VA's Patient-Centered Community Care Program and Choice Program. Specifically, the USAO investigated whether TriWest received more funds than it was entitled to from the VA in connection with its administration of the two programs. The investigation determined that the matter gave rise to contract and other common law claims. In December 2020, TriWest agreed to the United States \$179.7 million to resolve the claims of overpayment. <https://www.justice.gov/opa/pr/triwest-healthcare-alliance-corp-agrees-pay-1797-million-resolve-overpayments-department>
- The USAO in the **Southern District of Illinois**: In February 2020, Iyman Faris, a convicted terrorist, was denaturalized by order of the United States District Court for the Southern District of Illinois. Faris, a native of Pakistan, was convicted in 2003 of providing material support to al Qaeda and sentenced to 20 years in prison. Among other actions in support of al Qaeda, in 2002, Faris evaluated the practicality of a plot to collapse the Brooklyn Bridge in New York using gas cutters, communicating his assessment to al Qaeda via coded messages. In its order revoking his United States citizenship, the court found that Faris was ineligible for naturalization and unlawfully procured his citizenship through willful misrepresentation of material facts. <https://www.justice.gov/opa/pr/justice-department-secures-denaturalization-convicted-terrorist-who-sought-help-al-qaeda>
- The USAOs in the **Southern District of New York and Massachusetts**, together with the Department's Civil Division: Two separate matters were settled with Novartis Pharmaceuticals Corporation (Novartis), obtaining a combined settlement of \$642 million. In the New York case, the United States alleged that Novartis hosted tens of thousands of speaker programs and related events under the guise of providing educational content, when in fact the events served as nothing more than a means to provide bribes to doctors. Novartis agreed to pay a fine to resolve False Claims Act (FCA) claims that it paid kickbacks to doctors to induce them to prescribe numerous Novartis drugs. Novartis also forfeited \$38.4 million under the Civil Asset Forfeiture Statute. In the Massachusetts matter, Novartis agreed to pay \$51.25 million to resolve allegations that it illegally paid the copay obligations for patients taking its drugs, through coordination with co-pay foundations. <https://www.justice.gov/opa/pr/novartis-pays-over-642-million-settle-allegations-improper-payments-patients-and-physicians>



Civil Workload FY 2020 Cases Filed/Responded To – 75,257



Civil matters and cases represent a significant part of the United States Attorneys’ workload. In FY 2020, the United States Attorneys received 81,798 civil matters, which represented 41 percent of all of the 200,539 criminal and civil matters received during the fiscal year. Of the civil matters received, 77 percent or 63,250 were defensive matters, 10 percent or 8,313 were affirmative matters, and 13 percent or 10,235 were other civil matters.

The United States Attorneys filed or responded to 75,257 civil cases in FY 2020, which represented 57 percent of the 133,079 criminal and civil cases filed during the fiscal year. Of the civil cases filed, 83 percent or 62,804 were defensive cases; five percent or 4,056 were affirmative cases; and 11 percent or 8,397 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.

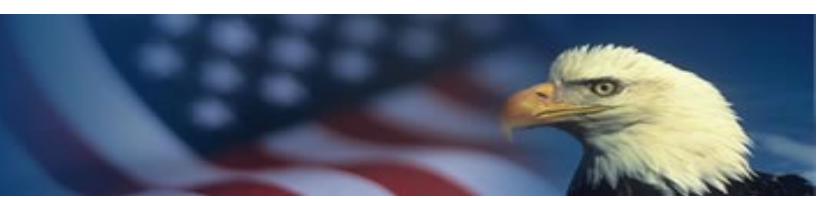
USAOs track the different types of cases where they can defend the Government and whether or not they are successfully resolved. In affirmative civil cases handled by USAOs, or jointly with the Civil Division, USAOs’ successes have resulted in the collection of billions of dollars for the Government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

2. PERFORMANCE AND RESOURCE TABLE

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Civil												
RESOURCES			Enacted		Actual		Projected		Changes		Requested (Total)	
			FY 2020		FY 2020		FY 2021		Current Services Adjustments and FY 2022 Program Changes		FY 2022 Request	
Total FTE and Costs			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			2,469	536,491	2,469	536,491	2,469	557,797	32	36,842	2,501	594,639
Reimbursable FTE and Costs: (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)			30	[11,386]	30	[11,386]	42	[11,921]	1	0	43	[11,921]
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2020	FY 2020	FY 2021	Current Services Adjustments and FY 2022 Program Changes		FY 2022 Request				
Workload Measure: Output	4.1; 4.2	Number of Matters Handled	94,969	94,474	95,419	954		96,373				
Performance Measure: Output	4.1; 4.2	Total Judgements and Settlements	35,586	33,503	33,838	338		34,176				
Performance Measure: Output	4.1; 4.2	Number of Judgements in favor of the U.S. and Settlements	26,189	25,118	25,369	254		25,623				
Performance Measure: Outcome	4.1; 4.2	Percentage of Cases Favorably Resolved	80.00%	80.00%	80.00%	0		80.00%				

2. PERFORMANCE AND RESOURCE TABLE

PERFORMANCE MEASURE TABLE										
Decision Unit: Civil										
Strategic Objective	Performance Report and Performance Plan Targets		FY 2016	FY 2017	FY 2018	FY 2019	FY 2020		FY 2021	FY 2022
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
4.1; 4.2	Performance Measure	Number of Matters Handled	119,699	98,814	93,521	94,029	94,969	94,474	95,419	96,373
4.1; 4.2	Performance Measure	Number of Total Judgements and Settlements	48,113	40,524	36,595	35,234	35,586	33,503	33,838	34,176
4.1; 4.2	Performance Measure	Number of Judgements in favor of the U.S. and Settlements	34,988	30,985	27,492	25,930	26,189	25,118	25,369	25,623
4.1; 4.2	OUTCOME Measure	Percentage of Cases Favorably Resolved	80.0%	78.0%	78.0%	83.0%	80.0%	80.0%	80.0%	80.0%



3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

Prosecution of civil litigation is an essential and vital component of the mission of the United States Attorneys. Affirmative civil litigation seeks redress for fraud, waste, and abuse in federal programs and ensures that the government is fully compensated for the losses and damages caused by those who have enriched themselves at the government's expense. In addition, all lawsuits filed against the Federal Government must be defended. The United States Attorneys' successes in civil litigation preserve taxpayer dollars and uphold the requirements and intent of federal laws and programs. The performance measure for civil litigation relates to the percentage of judgments and settlements resolved in favor of the government.

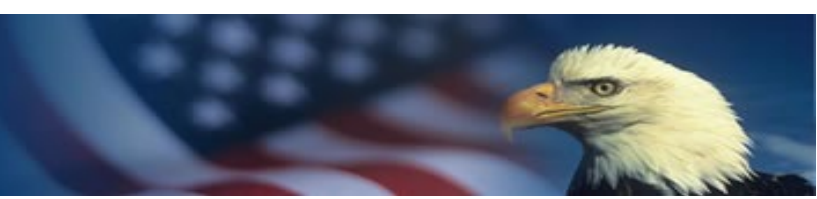
b. Strategies to Accomplish Outcomes

As civil cases are increasingly electronic – meaning that technology plays a major role in areas such as electronic case filing and eLitigation, the technological and resource needs of our civil cases continue to grow. To ensure the USAOs can prosecute cases in an efficient, cost-effective, and comprehensive manner, the United States Attorneys will further leverage technologically advanced tools and processes. These tools and processes allow prosecutors to manage, examine, and transfer large amounts of casework data, thereby improving efficiency and enhancing information flow organization-wide and with our partners.

While technology provides a means to increase productivity, the successful implementation of advanced technological solutions necessitates hiring employees with the appropriate skill sets and providing relevant technical training. The United States Attorneys will maximize existing resources by hiring qualified individuals who have the expertise necessary to consult with attorneys on technical issues and institute and follow defensible practices with respect to electronic data. To manage electronic data efficiently and effectively in their cases, AUSAs and support staff will be trained on eLitigation issues, including but not limited to how to use existing and new technologies.

Other strategies include:

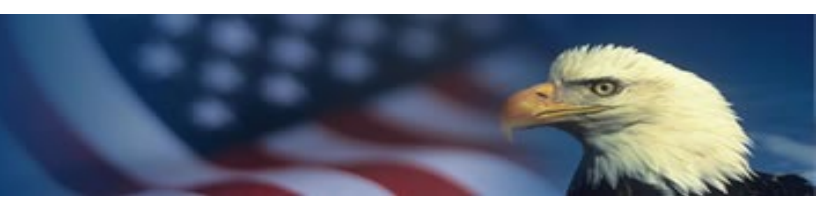
- Regular reviews and monitoring of case and workload data.
- Continuing to look at operational efficiencies to preserve human capital.
- Continuing to address emerging training needs through the Office of Legal Education.



C. Legal Education

Legal Education	Perm. Pos.	FTE	Amount
2020 Enacted	53	53	\$24,000,000
2021 Enacted	53	53	\$20,500,000
Adjustments to Base and Technical Adjustments	0	0	\$6,737,000
2022 Current Services	53	53	\$27,237,000
2022 Program Increase	0	0	\$2,080,000
2022 Request	53	53	\$29,317,000
Total Change 2021-2022	0	0	\$8,817,000

Legal Education Information Technology Breakout	Perm. Pos.	FTE	Amount
2020 Enacted	4	4	\$1,721,000
2021 Enacted	4	4	\$1,747,000
Adjustments to Base and Technical Adjustments	0	0	\$26,000
2022 Current Services	4	4	\$1,773,000
2022 Request	4	4	\$1,773,000
Total Change 2021-2022	0	0	\$26,000



1. Program Description–Legal Education

The Office of Legal Education (OLE) develops and conducts training for all Department attorney and non-attorney legal personnel [28 C.F.R. §0.22 (2019)]. Virtually all of OLE’s classroom training is conducted at the National Advocacy Center (NAC), a premier federal training facility in Columbia, South Carolina that features an integrated instructional and residential facility with rooms for up to 240 guests. Distance education has traditionally composed a small part of OLE’s overall training portfolio, although that changed significantly in FY 2020 as a result of the pandemic.

Shift to Distance Education

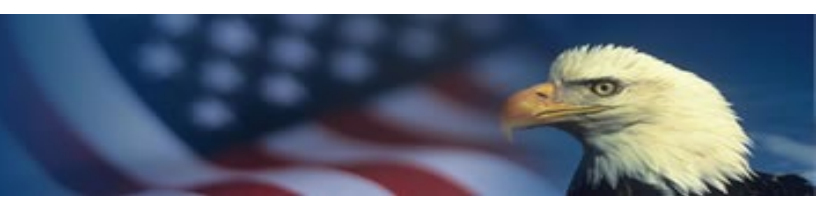
In March 2020, OLE’s residential training was interrupted when COVID-19 forced the NAC to close for the safety of employees and the public. OLE quickly pivoted to using alternative training delivery methods to reach a workforce primarily working from home. OLE responded by producing unprecedented levels of distance education and, in fact, trained more students than in any prior year. To accomplish this dramatic shift from mostly residential to completely distance education, OLE staff assumed new roles and learned new technology.

OLE expanded live, synchronous training (for example, stand-alone webinars and online courses) exponentially. OLE sponsored 209 webinar training events for 35,886 attendees during the fiscal year. This is more than triple the number OLE trained by webinar in FY 2019 (10,635), which itself represented a new record high. OLE expects high demand for webinars to continue in FY 2021 and beyond.

OLE quadrupled the number of videos it produced and posted for Department legal personnel to view for continuing legal education (CLE) credit. In addition to its own programs, OLE continues to provide additional web-based CLE through its contract with West LegalEd Center, offering 24-hours a day access to more than 6,000 CLE programs from more than 50 leading CLE providers at no charge to users. During FY 2020, OLE provided CLE credit to 18,961 users in this manner. OLE recorded and posted 252 videos to the on-demand video library hosted in its learning management system, learnDOJ. DOJ personnel viewed these videos 85,934 times (almost three times the number of views during FY 2019). OLE expects high demand for relevant training videos to continue.

Another significant advancement in OLE’s distance education program was the rapid conversion of courses to fully online delivery via Webex in multiple segments over a series of days, using interactive technology and breakout groups to ensure student engagement. OLE offered a wide variety of courses successfully online for the first time, including DOJ Orientation for New AUSAs, Writing for Federal Prosecutors, Criminal Civil Rights Seminar, Service Member and Veterans Initiative Symposium, and Criminal Jurisdiction in Indian Country.

One major advancement was the launch of the Virtual Classroom (VC). The VC uses sophisticated technology to combine traditional webinar instruction with the opportunity for students in remote locations to perform hands-on exercises that OLE’s training instructors



monitor and guide in real time. OLE intends to leverage this platform in support of the Department's eLitigation initiative by teaching critical eLitigation software skills. OLE started VC training in the first quarter of FY 2020, and student numbers reached capacity by the third quarter. VC training reached over 1,100 students in its first year alone, providing essential skills training with no travel. OLE will launch a second VC in FY 2021 to further increase capacity to provide hands-on software training and meet growing demand in this area.

Unit Work Descriptions

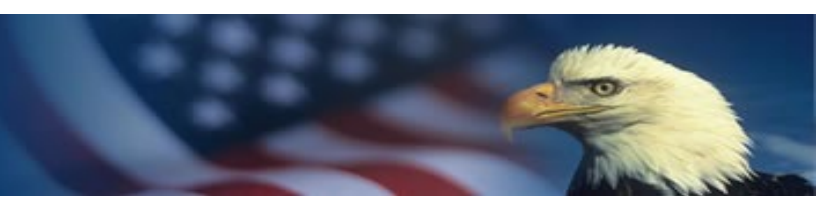
The Publications Unit continues to maintain and update the DOJBook, the most-viewed online legal resource available on the Department intranet. New topic pages on subjects like COVID-19 litigation, Home Confinement, and Compassionate Release were added and viewed 36,627 times. DOJBook is also the repository of DOJ policy and guidance on priority topics such as the CARES Act. The DOJBook weekly podcast, first launched in September of 2018, remains popular with over 32,000 downloads to date.

The Criminal training team delivers residential and distance learning training programs for federal criminal prosecutors of all levels. In FY 2020, the team produced 16 pre-pandemic residential courses. It also produced seven webinars that provided prosecutors with guidance for litigating under COVID restrictions. These included best practices for conducting grand jury, preliminary hearings, detention hearings, compassionate release litigation, and trial advocacy.

The National Security training team responds to a broad array of training needs relating to security, international and domestic terrorism, and crisis management. During FY 2020, the team worked with DOJ's National Security Division to deliver webinars on timely topics, including a new initiative to improve identifying domestic threats. An increase in demand for this training is expected in FY 2021 and beyond.

The National Indian Country Training Initiative (NICTI) team similarly worked to convert its essential training to distance delivery and had two especially notable programs. First, the NICTI coordinated the national Criminal Jurisdiction in Indian Country (CJIC) training program. Following the U.S. Supreme Court's decision in *McGirt v. Oklahoma*, the NICTI was called upon to quickly develop an online version of the CJIC course, as there were hundreds of police officers in Oklahoma that needed to attend the class. Using an online version of the CJIC course and test that it developed, NICTI trained nearly 400 officers and administered the required post-course examination for all attendees, which 349 officers passed. Second, the NICTI Coordinator was named co-chair of the Department's Missing or Murdered Indigenous Persons Initiative (MMIP) training working group. Training to support the MMIP will continue in FY 2021.

The Legal Programs, Civil Law & Advocacy Training (LPCA) team executed several pre-pandemic residential seminars including Asset Recovery for Crime Victims, Advanced Money Laundering, Disability Rights, Trial Advocacy, and Depositions training. LPCA hosted over 40 webinars on topics like Bankruptcy and Money Laundering.

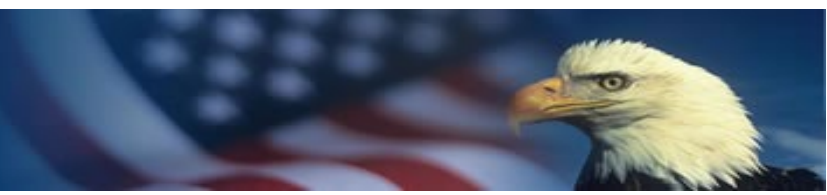


The Litigation Technology and Support training team (LTS Team) develops key training, including eLitigation training for attorneys and non-attorneys, on-demand eLitigation training materials, and hands-on training to attorneys and legal support staff to teach them to use eLitigation tools to more skillfully litigate their cases. In FY 2020, the LTS Team executed 17 residential and live virtual trainings prior to the COVID-19 pandemic, developed 15 new on-demand video training resources, and supported numerous hands-on classes in OLE's Virtual Classroom. The LTS Team will provide ongoing, substantial, and critical support to the eLitigation initiative. It will continue to play a key role in achieving the Department's eLitigation priorities.

Finally, OLE continues its tradition of providing training support to Department of Justice personnel by assisting foreign judges and prosecutors who provide peer training in their respective countries through the Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). In November of 2019, OLE hosted a week-long skills course for investigators and prosecutors from Cote D'Ivoire (CDI) focused on best practices for Lebanese Hezbollah (LH) counter-terrorism investigations and prosecutions. OLE staff also conducted a train-the-trainer seminar for foreign prosecutors and judges in Medellin, Colombia in January of 2020. OLE assisted DOJ's individual Resident Legal Advisors (RLAs) stationed around the globe by providing advice and strategies for transitioning from traditional face-to-face training to distance education. OLE staff presented a webinar training for prosecutors in Central and Eastern Europe, helped identify instructors to train prosecutors and judges in Kosovo, and helped develop materials for training prosecutors in Guyana. RLAs indicated OLE helped them to develop the rule of law with foreign counterparts.

2. PERFORMANCE AND RESOURCE TABLE

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Legal Education												
RESOURCES			Enacted		Actual		Projected		Changes		Requested (Total)	
			FY 2020		FY 2020		FY 2021		Current Services Adjustments and FY 2022 Program Changes		FY 2022 Request	
Total FTE and Costs:			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			53	24,000	53	24,000	53	20,500	0	8,817	53	29,317
Reimbursable FTE and Costs: (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)			4	[5,633]	4	[1,150]	0	\$0	0	\$0	0	\$0
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2020		FY 2020		FY 2021		Current Services Adjustments and FY 2022 Program Changes		FY 2022 Request	
Performance Measure: Outcome	1.1; 1.2; 2.1; 3.1; 3.2; 4.1; 4.2	Number of Students Trained	24,000		6,597		24,000				24,000	



3. Performance, Resources, and Strategies

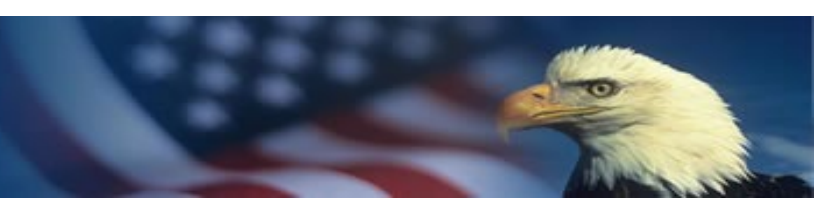
a. Performance Plan and Report for Outcomes

The performance measure for this decision unit is the number of students trained. In FY 2020, due to COVID-related travel restrictions, OLE only trained 6,597 individuals residentially. However, OLE trained a record 38,055 virtually in live synchronous events, for a combined total of 44,652. For comparison, in FY 2019, OLE trained 18,806 residentially and 10,635 virtually in live synchronous events (which then was OLE's record high), for a total of 29,441.

In FY 2020, OLE continued its comprehensive plan to measure the effectiveness and impact of its training. Building on its recent modernization of course evaluation processes, OLE created a new database so it can report on the efficacy of training events across all delivery methods (e.g., residential, webinar, virtual classroom). During the fiscal year, 10,723 participants responded to end-of-course evaluations for 299 courses, all of which received consistently high scores regardless of delivery method. Participants were overwhelmingly satisfied, with an average of 94 percent of respondents who would recommend OLE's courses.

b. Strategies to Accomplish Outcomes

OLE will continue to offer high quality legal education through traditional classroom instruction and expanded use of distance learning. As OLE has demonstrated its ability to train successfully in the virtual environment, it expects continued high demand for distance training. It plans to meet this demand through continued use of online courses and webinars, as well as expansion of Virtual Classroom training to provide relevant technical training on eLitigation skills. It also will expand and improve its asynchronous (on-demand) training by leveraging user-friendly platforms for viewing videos, thereby tailoring delivery mechanisms to the post-COVID requirements of students.



V. Program Increases by Item

Item Name: COVID-Related Fraud Prosecutions

Budget Decision Unit(s): Criminal Litigation

Program Increase: Positions **100** Attorney **100** FTE **50** Dollars **\$26,380,000**

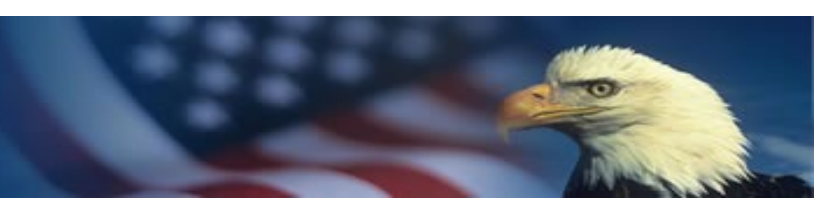
Description of Item

The United States Attorneys request **\$26.4 million** and **100 positions (100 term attorneys)** to combat fraud related offenses associated with the novel coronavirus (COVID-19). The massive increase in fraud offenses have resulted in an unprecedented crisis around the country. The United States Attorneys' offices (USAOs) have begun to investigate these crimes and will need additional prosecution resources to bring the perpetrators of these offenses to justice. Funding to the USAOs will include term Assistant United States Attorneys (AUSAs) to investigate, disrupt, and potentially prosecute COVID-19 related fraud. The funding and positions will non-recur in the future. Funding to the USAOs will also cover contractual support, data analysis, and consultant support to assist with criminal fraud cases. The contractual support will focus on damages calculations and forensic accounting. The consulting services will provide assistance with immunology, lab procedures and testing, hospital coding, witness interview transcripts, agency coordination related to complex qui tam cases, and analysis of Medicare data.

Justification

Since the beginning of the pandemic and the passage of the first pandemic relief bill, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, signed into law on March 27, 2020, the USAOs have been analyzing fraud vulnerabilities in government relief programs, investigating schemes, and working to stop a variety of fraudsters attempting to take advantage of the pandemic and federal relief programs. Many districts have established COVID Working Groups or Task Forces.

The USAOs are investigating and prosecuting a variety of coronavirus-related fraud. The majority involve individuals and entities fraudulently targeting various federal and local government relief programs that have been created or used to support individuals and businesses adversely impacted by the pandemic. The targeted programs include the Paycheck Protection Program (PPP) that was created by the CARES Act to provide up to \$10 million in loans to businesses to maintain their payrolls; the Economic Injury Disaster Loan (EIDL) Program administered by the SBA that provides up to \$150,000 in loans to small businesses substantially impacted by the pandemic; the IRS' distribution of Economic Impact Payments (EIP), and state unemployment insurance (UI) programs that have been supplemented with federal funds.



In addition to fraud directed at government relief programs, USAOs are prosecuting defendants for defrauding the public and various public/private organizations by marketing fake treatments or cures for the virus, purporting to sell personal protective equipment (PPE) or medical equipment that is counterfeit or nonexistent, and hoarding scarce materials such as N95 masks. The charges in these cases have included mail and wire fraud, bank fraud, access device fraud, theft of government funds, aggravated identity theft, mail theft, money laundering, and conspiracy to commit one or more of these offenses. We expect both the number and complexity of the schemes to increase as relief programs mature, fraudsters learn the vulnerabilities of the programs, whistleblowers come forward, and data analytic capabilities to detect fraud grow.

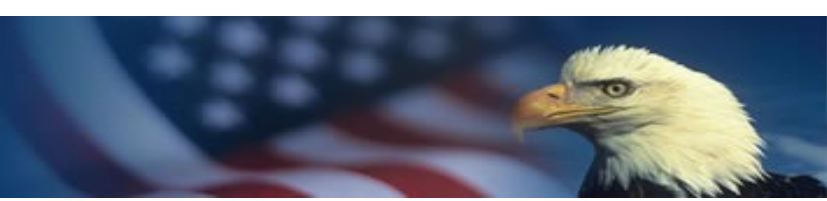
The USAOs' efforts continue to achieve tremendous results in combating fraud and protecting public rights and interests in the following areas:

Anti-Fraud Injunctions. The USAO for the Western District of Texas alone filed four of these actions in 2020, successfully shutting down a fraudulent website offering COVID-19 vaccines allegedly from the World Health Organization, as well as obtaining injunctions against two persons hawking fraudulent COVID treatments, and a third offering a fraudulent test. The USAO for the Middle District of Florida sought and received temporary restraining orders (TRO) and preliminary injunctions that removed over 300 web pages from the internet that were being used to defraud consumers seeking to purchase PPE. The office also worked to shut down numerous fraudulent Go Fund Me sites purporting to support COVID relief efforts. Numerous other USAOs have sought and obtained injunctive relief against marketers of fraudulent COVID tests, treatments, and vaccines.

Paycheck Protection Program. We anticipate well over 100 PPP fraud investigation nationwide. We expect that number to go up as more data analytics tools become available, and as recipients begin to make fraudulent claims for loan forgiveness. The USAO for the Eastern District of California settled the first PPP False Claims Act/FIRREA case in January 2021, obtaining a \$100,000 settlement in addition to return of the \$350,000 in fraudulently obtained loan proceeds.

Healthcare Fraud. In response to the pandemic, Medicare issued hundreds of regulatory waivers to increase the availability of care, but these salutary measures came with the side effect of potentially lowering the entry barriers to fraud. With an increase in telehealth, an area already fraught with fraud, and dramatically lower regulatory requirements, USAOs anticipate an increase in telehealth fraud cases. Additionally, billions of dollars supported healthcare providers, and with this increase in spending, the likelihood of fraud increases. Some schemes already under investigation in multiple districts include providers billing for services not rendered or medically unnecessary services, in connection with COVID testing; billing for medically unnecessary prescriptions to persons intending to hoard purported COVID treatment medications; telemedicine fraud; fraud in obtaining or administering contracts to provide COVID testing; and Medicare Part A fraud in connection with COVID diagnoses.

Nursing Homes. Numerous USAOs have opened investigations into nursing homes after COVID deaths led to allegations of poor staffing, inadequate infection control, and other quality

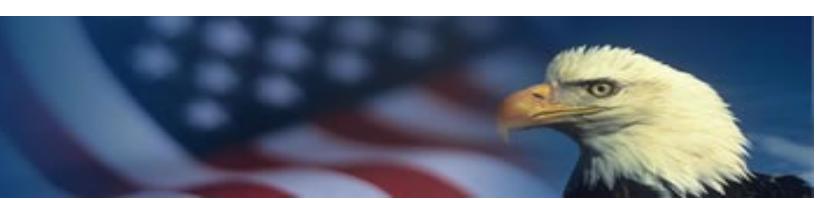


of care issues. These cases have been consolidated with investigations underway as part of the National Nursing Home Initiative, launched in February 2020.

Civil Rights. Several USAOs have opened civil rights matters related to the pandemic, from a disability-rights matter involving access to a supermarket during “senior hours,” to language access issues during remote schooling.

Impact on Performance

To combat COVID-19 fraudulent schemes, additional resources are requested to properly support the increase in prosecution-worthy cases. Fraud, in any form, continues to be a Department of Justice priority. We expect the workload to rise dramatically in FY 2022 as a result of fraud associated with the pandemic and the unprecedented government spending for pandemic relief.



COVID-Related Fraud Prosecutions Funding

Base Funding

FY 2020 Enacted				FY 2021 Enacted				FY 2022 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
0	0	0	0	0	0	0	0	0	0	0	0

Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position (\$000)			FY 2022 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Attorneys (0905)	100	131.8	97.3	237.0	13,180	9,730	0
Total Personnel*	100				13,180	9,730	0

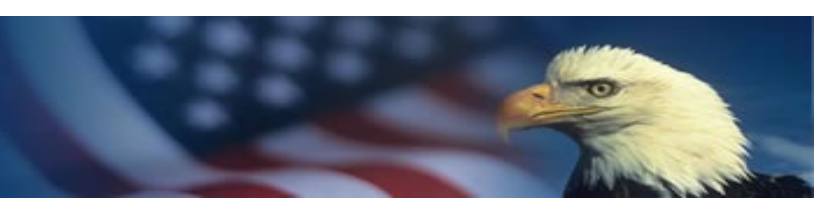
*Funding associated with 100 Term positions.

Non-Personnel Increase Cost Summary

Non-Personnel Item	FY 2022 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Forensic Investigators/Auditors	10,000	200	50	0	0
Data Analysis	3,200	0	0	0	0
Total Non-Personnel	13,200	200	50	0	0

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Current Services	0	0	0	0	0	0	0	0
Increases	100	100	50	13,180	13,200	26,380	9,730	0
Grand Total	100	100	50	13,180	13,200	26,380	9,730	0



Item Name: Domestic Terrorism (DT)

Budget Decision Unit(s): Criminal Litigation

Program Increase: Positions **100** Attorney **60** FTE **80** Dollars **\$40,000,000**

Description of Item

The United States Attorneys request **\$40.0 million** and **100 positions (60 attorneys)** as well as the necessary technological solutions and case management systems for the United States Attorneys' offices (USAOs) to combat Domestic Terrorism (DT). The January 6, 2021 assault on the Capitol has resulted in hundreds of cases charging defendants from around the nation with a broad range of offenses from basic violations such as unlawful entry to more complex charges such as conspiracy. As the deluge of electronically stored information (ESI) from the event is captured and processed, the number of defendants and cases continues to rise beyond current capabilities. Because future DT cases are anticipated, the USAOs must be ready to respond to this significant threat. The requested resources of 100 positions (60 attorneys) and expanded eLitigation data capabilities are necessary to prevent and address this criminal conduct.

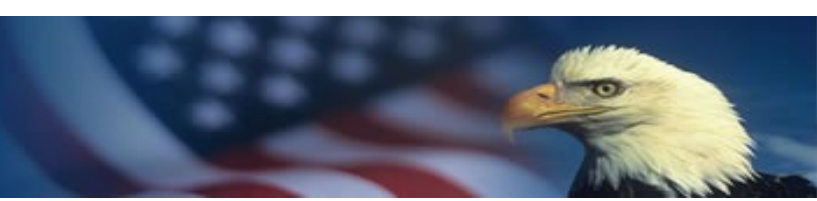
Justification

Funding is needed to provide the USAOs with additional prosecutors and support personnel to respond to the increase in DT-related federal prosecutions, litigation, and other court proceedings arising from cases associated with mass shootings, terrorism, threats, and potential violence or related violence, such as those DT cases stemming from the breach of the United States Capitol. In addition, funding will assist USAOs that need contractual support to assist with advanced technological data solutions. This modernization effort will include a mechanism to improve the tracking and public reporting of DT cases.

USAOs play a critical role in federal engagement with, and support to, local communities that may be targeted by domestic terrorists. At its most basic level, countering terrorists focuses on prevention and intervention techniques to minimize the risk of individuals being inspired by terrorist ideologies or recruited by terrorist groups.

Impact on Performance

Additional resources will better equip the United States Attorneys to prevent and address all types of violent extremism, supporting the Department's goals of combating violent crime. The additional positions requested will be used to support increased violent crime prosecution efforts.



Domestic Terrorism (DT) Funding

Base Funding

FY 2020 Enacted				FY 2021 Enacted				FY 2022 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
0	0	0	0	0	0	0	0	0	0	0	0

Personnel Increase Cost Summary

Type of Position/Series*	Positions Requested	Annual Costs per Position (\$000)			FY 2022 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Attorneys (0905) Full Year	30	237.0	0	237.0	7,111	0	0
Attorneys (0905) Lapsed	30	131.8	97.3	237.0	3,954	2,919	0
Paralegals / Other Law (0900-0999) Full Year	25	135.0	0	135.0	3,374	0	0
Paralegals / Other Law (0900-0999) Lapsed	10	78.0	63.0	135.0	784	630	0
Intelligence (0132) Full Year	5	135.0	0	135.0	675	0	0
Total Personnel	100				15,898	3,549	0

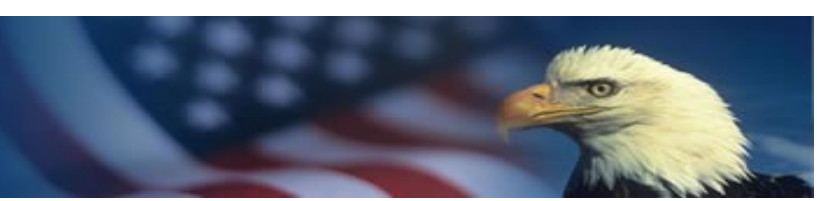
**Funding is requested for 60 positions (30 Attorneys; 25 Paralegals and 5 Intelligence Specialists) at full year costs; and 40 positions (30 Attorneys; 10 Paralegals) at lapsed costs*

Non-Personnel Increase Cost Summary

Non-Personnel Item	FY 2022 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Contractual Services	23,602	0	0	0	0
Travel	500	0	0	0	0
Total Non-Personnel	24,102	0	0	0	0

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Current Services	0	0	0	0	0	0	0	0
Increases	100	60	80	15,898	24,102	40,000	3,549	0
Grand Total	100	60	80	15,898	24,102	40,000	3,549	0



Item Name: **McGirt Prosecutions**

Budget Decision Unit(s): Criminal Litigation

Program Increase: Positions 0 Attorney 0 FTE 0 Dollars **\$33,000,000**

Description of Item

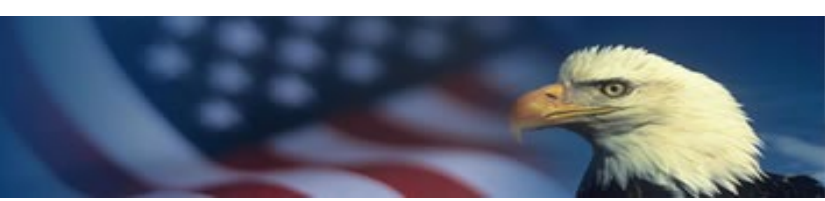
The United States Attorneys request **\$33.0 million** to fund necessary case related expenses for the affected United States Attorneys' offices (USAOs) to address the increase in caseload work resulting from the *McGirt v. Oklahoma* decision while Federal, State, and tribal authorities work on longer term solutions. The requested resources will be focused on addressing the critical staffing and facility needs of the Oklahoma USAOs as a result of the sudden surge in casework following the Supreme Court's decision. The staffing shortages are expected to be temporarily mitigated by leveraging funded detail assignments of existing employees (approximately 137 individuals) from across the United States Attorneys' community. Funding to the USAOs will also cover contractual support, common non-payroll costs associated with litigation, and the associated facilities needs to accommodate the temporary workforce expansion.

Justification

On July 9, 2020, the Supreme Court decided *McGirt v. Oklahoma*, which held that Congress did not disestablish the Muscogee Creek Nation Reservation and that, as a consequence, the State of Oklahoma never had jurisdiction to prosecute crimes committed by or against an Indian on the land included within the Reservation. This holding invalidated thousands of prior state convictions, and subsequent crimes committed by or against an Indian within the Reservation are now within the exclusive jurisdiction of either the United States or the tribal authorities of the Creek Nation. As a result of the decision, the Department and its dedicated employees face an unprecedented challenge in serving justice in Oklahoma.

Criminal felony caseloads in the USAOs for the Eastern and Northern Districts of Oklahoma have increased exponentially and will continue to increase sharply as the *McGirt* decision is expanded. It is estimated that they will handle up to 4,400 additional felony defendants per year – or 366 per month – once the decision expands to all five Civilized Tribes in Oklahoma. This number represents more than a 25,000 percent increase over the average number of Indian country defendants charged over the prior three fiscal years.

Due to limited resources, the USAOs in Oklahoma are prioritizing violent felonies under the Major Crimes Act and referring hundreds of misdemeanors and non-violent felonies to Tribal authorities, which are also not equipped to handle the heavy influx of cases. For example, the Eastern and Northern Districts of Oklahoma have been able to accept only 21 percent and 52 percent of all felony referrals from law enforcement. As enforcement of non-violent crime is



relatively low, Oklahoma communities may see a surge in such crimes, and many people may not be held accountable for their criminal conduct.

Not only do former state jurisdiction cases significantly strain federal prosecutorial resources due to the violent nature of the crimes and the need to work with victims, including children, as well as forensic experts, they also present legal and evidentiary issues. Statutes of limitations and unavailability of evidence and witnesses will hamper the USAO retrials of defendants previously convicted in the state courts. This is particularly concerning given the nature of the crimes for which they were convicted. For example, there are at least two death penalty cases, both including first degree murder of a child, and at least 10 violent crime cases on first appeal in state court that will be remanded for retrial in the Northern District. Further, there is no available data on the number of the 6,300-plus defendants imprisoned in state correctional facilities who have been released from state custody as a result of *McGirt*. This is of concern not only for the victims in these cases, but also the safety of the community.

Impact on Performance

The requested investment is critical to leading the effort to ensure and promote public safety in the Oklahoma tribal areas. It will restore the prosecutorial capacity of all the USAOs to pre-*McGirt* levels, while also being properly responsive to the Department's new mission requirements in Oklahoma.



McGirt Prosecutions Funding

Base Funding

FY 2020 Enacted				FY 2021 Enacted				FY 2022 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
0	0	0	0	0	0	[142]	[18,639]	0	0	[142]	[18,639]

Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position (\$000)			FY 2022 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Attorneys (0905)	0	0	0	0	15,645	(15,645)	0
Paralegals / Other Law (0900-0999)	0	0	0	0	9,583	(9,583)	0
Total Personnel*	0	0	0	0	25,228	(25,228)	0

*Funding is requested for detailee costs; therefore, no new positions are requested.

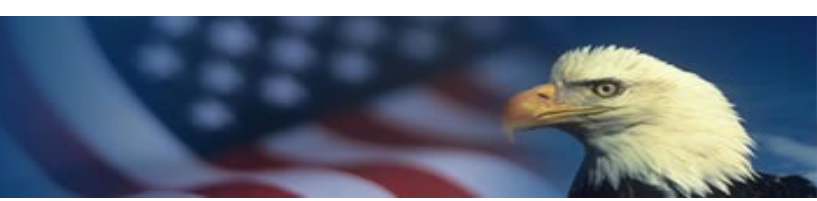
Non-Personnel Increase Cost Summary

Non-Personnel Item	FY 2022 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Travel	7,012	0	0	(7,012)	0
Space	760	0	0	(760)	0
Total Non-Personnel	7,772	0	0	(7,772)	0

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Current Services*	0	0	[142]	[18,639]	0	[18,639]	0	0
Increases	0	0	0	25,228	7,772	\$33,000	(33,000)	0
Grand Total	0	0	0	\$25,228	\$7,772	\$33,000	(33,000)	0

*Note: Current Services amounts were funded from temporary internal reductions across the USAOs that are intended to be restored upon receipt of the requested increase.



Item Name: eLitigation Initiative

Budget Decision Unit(s): Criminal Litigation, Civil Litigation, and Legal Education

Program Increase: Positions **115** Attorney **0** FTE **29** Dollars **\$20,000,000**

Description of Item

The United States Attorneys request **\$20.0 million** and **115 positions** to tackle the single largest technological and procedural challenge impacting the full span of prosecutions – eLitigation. The term eLitigation refers to an integrated approach to litigating in the 21st century that encompasses the employee skills, training, and associated best practices, as well as the technology-based tools necessary to handle the identification, collection, processing, review, analysis, and presentation of evidence. This stride forward will require the United States Attorneys’ community to focus on three key areas: people, processes, and technology.

Justification

In today’s digital world, the vast majority of cases in the United States Attorneys’ offices (USAOs) involve electronic evidence, and USAOs are collecting it at a rapidly growing rate. While much of our civil casework is document intensive, the extensive use of data by all defendants has had a corresponding impact on the quantity of data that must be processed and reviewed, and affects all prosecution categories, such as violent crime. At first blush, violent crime cases may not seem to involve large amounts of data, but to the contrary, nearly every violent crime case involves electronically stored information (ESI). The search of a violent offender’s 64 GB cell phone can equate to 4.8 million pages worth of data that often include phone call records, voice mail messages, text messages, contact lists, communications made via chat applications, photographs, social media posts, internet searches, location data, trips made with ride applications, records of purchases, etc., all of which must be processed and reviewed. Without sufficient funding to support these needs, the existing technology shortfall will only be exacerbated, negatively impacting our ability to execute the mission and associated responsibilities.

Over the last six years, the USAOs storage system that houses the data for these cases has swelled to more than 20 billion case-related files, consuming more than 2.4 petabytes.¹ It will need to double in size by 2022, as cases continue to grow larger. In 2008, to support the USAO cases with ESI, the Executive Office for United States Attorneys (EOUSA) established the Litigation Technology Service Center (LTSC), which provides electronic case data processing,

¹ For reference, a petabyte represents roughly 500 billion pages of standard printed text. A terabyte represents roughly 500 million pages of text.



hosting, and production services. The LTSC stores electronic evidence for key cases enabling access by case team partners inside and outside of the DOJ. The LTSC now teems with more than 1.5 billion files, consuming another 500 terabytes of storage—and this represents only a fractional percentage of the cases that the USAOs handle. While storage needs are swelling, the USAOs are grappling with changes in how this data should be stored and managed. Private practices are shifting from local network storage and desktop processing to cloud storage and processing and the USAOs are playing catch-up regarding this paradigm change in the legal world.

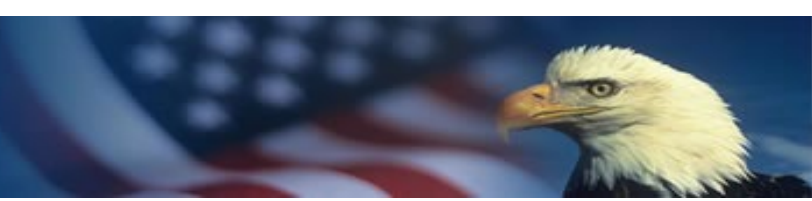
Current cases require sophisticated tools and skilled staff to process and make effective use of the immense volume of data routinely pulled from smart phones, email providers, social media accounts, surveillance equipment, business records, and other electronic devices. Due to the expanding volume and complexity of this electronic evidence, case team members at the USAOs are required to dedicate ever-increasing time to processing and producing data, as well as to substantively reviewing it for evidentiary value. Indeed, it is now common for USAO employees (both lawyers and staff) to spend one-half of their time—or more—managing and working with electronic evidence. While the USAOs receive some support from investigative partners with these tasks, the USAOs’ systems and staff are often better-suited to efficiently and effectively meet the needs of litigation. Specifically, the USAOs consolidate electronic evidence from different sources, while bringing to bear knowledge of the government’s legal obligations. This important work is ultimately the responsibility of the USAOs to ensure that legal and professional obligations in discovery and at trial are met. Legal and professional obligations concerning ESI are changing nature of modern legal practice. For instance, the federal rules of criminal and civil procedure both mandate that the parties meet-and-confer early in the case to discuss discovery issues around ESI. As another example, multiple jurisdictions have revised the definition of “competence” in their professional responsibility rules to include an understanding of relevant technologies and have instituted education requirements on eLitigation issues.

To meet the challenges presented by this evolving landscape, EOUSA and the USAOs have focused on making improvements in three key areas: people, processes, and technology. While the USAOs are making great strides in areas, they also need investments in all areas to help with the shift from litigation to eLitigation and stay abreast of private practice changes in technology management.

Focus Areas

People: \$7.1 million

We must develop attorneys and support staff who have the knowledge and skills needed to use existing and new eLitigation tools and to adapt to the ever-changing landscape of eLitigation. A PriceWaterhouseCoopers (PwC) study reviewed eLitigation practices in the USAOs and found that not only were USAO personnel largely unskilled in managing electronic case data but that the number of those who were skilled were insufficient to support USAO caseloads. PwC also found that the ratio of knowledgeable litigation technology specialists to attorneys was 1 to 29, which was far below the ratio in private practice of 1 to 10. Since then, the USAOs have added



more than 500 attorneys to their ranks, without adding additional support staff with expertise in handling electronic case data. To address this shortage in skilled support staff, the United States Attorneys' require hiring:

- 100 support staff (lapsed at 25 percent, with the remaining funding annualized in FY 2023) in the USAOs to assist with a variety of technical eLitigation needs, including using eDiscovery processing tools (e.g. Nuix, LAW PreDiscovery, and eScanIt), setting up electronic data review platforms (e.g. Eclipse SE and Relativity), and consulting with attorneys on effective ways to search large amounts of electronic data.
- 15 support positions (lapsed at 25 percent, with the remaining funding annualized in FY 2023) to assist the USAOs with the nationwide configuration, implementation, and steady-state activities associated with this initiative. These positions will play an essential role in providing programmatic support regarding eLitigation policies, resources, and best practices; meeting federal regulations for cybersecurity; and providing operational support for cloud-based eLitigation solutions.
- 10 contractor positions to assist the USAOs in expanding existing virtual training on technology tools and supporting regional in-district training on eLitigation practices; and providing frontline assistance to USAOs across the country.

Processes: \$3.4 Million

Even with dedicated eLitigation support staff, the USAOs need sound office practices and structures to manage electronic case data. USAO managers must develop and enforce district-wide practices and litigation workflows that make full and best use of our people and technology. This also requires intensive training of the USAO managers and staff who have limited experience using the tools available in their offices. To be effective, such training is best delivered through a mix of distance, regional, and classroom methods. To ensure that attorneys and support staff possess the appropriate skills to conduct eLitigation in a defensible manner, our request is for \$3.4 million to supplement current training efforts:

- To promote the understanding and adoption of defensible eLitigation practices in the USAOs, EOUSA must offer regional, in-district baseline training, which allows the USAO personnel to learn the fundamentals of eLitigation in a setting that facilitates discussion and is tailored to the specific needs of various judicial districts. The baseline training would target approximately 800 key stakeholder employees, both attorney and support positions, across 16 regional sessions.
- To prioritize eLitigation training for the USAOs, EOUSA must offer new and additional eLitigation residential courses at the NAC on a regular basis. The training would target in excess of 100 employees each year and feature material tailored to attorney and support positions.



- To reach more users across our geographically expansive community, EOUSA must expand its existing Virtual Classroom technology, which enables attorneys and support staff to receive real-time, hands-on training on eLitigation tools at their local desktops. At a minimum, this training would target in excess of 600 individuals each year, including initial eLitigation familiarization training as well as advanced coursework for more experienced USAO personnel.

Technology: \$9.5 million

To meet the challenges eLitigation presents to USAOs, the community must obtain reliable and modern eLitigation tools while also increasing the infrastructure to support them. A paradigm shift towards employing software tools that increase efficiency in how information is managed and processed is necessary. As this progression unfolds, our community must move away from desktop processing to cloud processing. The private marketplace is moving away from the desktop applications that the USAOs use, and many eDiscovery vendors are no longer offering on-premises digital solutions. During the initial stages of this private-sector driven transition, EOUSA will need \$9.5 million in FY 2022 to implement, deploy, and operate tools and cloud-based technologies to support eLitigation in the USAOs:

- The change to the cloud alters our current technology expenses from one-time capital expenditures every four to five years to an annual operating cost for the acquisition and delivery of cloud-based computing services, including servers, databases, and analytics and artificial intelligence, which will offer greater innovation, flexibility, speed, and economies of scale;
- To keep pace with the exponential increase in digital data associated with modern casework, we must increase our network's bandwidth by four to eight times to eliminate congestion and enable the network to transmit more data at any given time. A larger wide-area network connection will enable faster application performance, interactivity, increased data transfer capability, and improved simultaneous user experience. Such an increase will allow the USAOs to efficiently access, review, redact, and produce critical, voluminous digital evidence such as bodycam and surveillance videos, and digital forensics; and
- Since 2014, the USAOs' storage system has swelled to more than 20 billion case-related files, consuming more than 2.4 petabytes. Based on the historical USAO data storage consumption rate and the accelerating increase in the size of case data, we will need a minimum of 50 petabytes (10 petabytes per year) of cloud storage within the next five years to meet USAO needs.

Impact on Performance

The USAOs currently do not have the personnel or systems to meet our eLitigation needs. These inadequacies create serious litigation risks for the Department, which will only become weightier without a significant overhaul of and investment in our operations.



Litigation Initiative Funding

Base Funding

FY 2020 Enacted				FY 2021 Enacted				FY 2022 Current Services			
Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)
160	6	160	36,081	160	6	160	36,081	160	6	160	36,081

Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position (\$000)			FY 2022 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Litigation Support (0900-0999)	108	53.2	90.5	147.8	5,750	9,774	0
Info Technology Mgmt. (2210)	7	70.4	127.0	202.1	493	889	0
Total Personnel	115				6,243	10,663	

Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	FY 2022 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Data Storage, and software	9,507	0	0	0	0
Training	3,400	0	0	0	0
Contractors (10)	850	0	0	0	0
Total Non-Personnel*	13,757	0	0	0	0

*The U.S. Attorneys will need \$13.8 million in FY 2022 to implement, deploy, and operate cloud-based technologies to support eLitigation in the USAOs.

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/ Atty	FTE	Personnel	Non- Personnel	Total	FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Current Services	160	6	160	22,472	13,609	36,081	0	0
Increases	115	0	29	6,243	13,757	20,000	10,663	0
Grand Total	275	6	189	28,715	27,366	56,081	10,663	0



VII. EXHIBITS

