

Department of Justice

**PERFORMANCE BUDGET
CONGRESSIONAL SUBMISSION
OFFICE OF LEGAL COUNSEL**

March 27, 2013



2014

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I. Overview for Office of Legal Counsel

1. Introduction

In FY 2014, the Office of Legal Counsel (OLC) requests a total of \$7,170,000, 29 positions (of which 27 are attorneys), and 20 FTEs.

With the requested FY 2014 resources, OLC will be able to continue to provide top-quality legal advice on matters related to national security, civil rights, crime fighting programs, and legislative initiatives, as well as a range of other legal issues concerning constitutional, regulatory, and statutory authority. Although specifically included only under Strategic Goal II (“Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law”), OLC is involved in every aspect of the Department’s Strategic Plan. OLC has issued opinions or otherwise rendered legal advice touching on virtually every aspect of the Department’s overall work and mission

2. Issues, Outcomes and Strategies

OLC’s mission remains highly critical and urgent as the Department enters into a new era of responsibility confronting national security and intelligence challenges, reinvigorating federal civil rights enforcement, and advising the agencies involved in responding to the economic crisis.

OLC is headed by an Assistant Attorney General who is appointed by the President and confirmed by the Senate. The Office provides formal opinions and informal advice in response to requests from the Counsel to the President, the various departments and agencies of the Executive Branch, and offices within the Department, including the offices of the Attorney General and Deputy Attorney General. Such requests frequently deal with legal issues about which two or more agencies are in disagreement. OLC has already published 43 of its opinions issued in this Administration. The opinions and legal advice cover constitutional and statutory questions from a wide range of fields, including national security, criminal law, civil rights, fiscal law, and appointment and removal authorities. OLC gives critical advice on how the executive branch organizes itself and carries out its missions. OLC also reviews hundreds of pieces of pending legislation annually for constitutionality and reviews all proposed Executive Orders and proclamations, as well as proposed regulations and Orders of the Attorney General, for form and legality.

Because formal Attorney General Opinions, which OLC would draft, are so rare, requests for opinions typically result in the preparation of legal opinions signed by OLC’s Assistant Attorney General or one of the Office’s Deputies. Opinions are based upon the research of one or more of the Office’s staff attorneys and review by at least two Deputies. Other requests often result in the provision of more informal advice to the client agencies.

Since 1977, at the direction of the Attorney General, OLC has published selected formal opinions. Volumes covering the years 1977 through 2002 have been issued in hardback and OLC continues to work toward publishing in hardback form opinions from 2003 to the

present. As an interim step, OLC has published opinions from 1992 to 2012 on its website <http://www.usdoj.gov/olc/opinions.htm>. In addition, OLC has accelerated the timeliness by which it publishes opinions on its website. The rate of publication has increased, and the time between opinion signing and publication has decreased. Work on this effort will continue into FY 2014.

Beginning in FY 2012, OLC has been working on and updating a series of presidential emergency action documents (PEADs), first prepared by OLC in 1989 and updated pursuant to presidential directive in 2008. PEADs are pre-coordinated legal documents designed to implement a Presidential decision or transmit a Presidential request when an emergency disrupts normal governmental or legislative processes. A PEAD may take the form of a Proclamation, Executive Order, or Message to Congress. The PEAD Portfolio as an entirety is classified Secret; however, after signature by the President, individual PEADs are unclassified. OLC has been charged by the National Security Staff with conducting its current legal review of the PEADs, expected to be completed by December 2013, to ensure that each of the current 56 documents reflects current law and adequately addresses the emergencies for which it was prepared.

OLC's detailed PEAD review involves original legal research, review of other agencies' legal work, and a substantial amount of legal writing and editing. The Office estimates that this review will entail hundreds of hours of legal work involving attorneys and support staff at all levels within the Office. With only 27 attorney positions (including management) in OLC, it has become exceedingly difficult to perform all of the traditional functions of the Office while maintaining adequate focus on matters related to national security and homeland security. In addition, there continues to be an increase in congressional oversight of the activities of the Executive Branch. This in turn has resulted in a significant increase in this aspect of OLC's separation of powers work, because OLC is the principal office providing legal advice to the White House and Executive Branch concerning their responses to congressional oversight.

In recent years, OLC has been the subject of a large number of Freedom of Information Act requests and lawsuits, particularly concerning OLC's work in the national security area, but, also including domestic affairs. This entails a significant commitment of time and effort from a team of attorneys and paralegals.

DOJ Strategic Goal 2: Enforce Federal Laws and Represent the Rights and Interests of the American People (FY 2014 Request: \$7,170,000)

3. Full Program Costs

OLC's budget is fully integrated with its own priorities as well as the full range of the Department's Strategic Goals and Objectives, most especially Strategic Goal II: ("Enforce Federal Laws and Represent the Rights and Interests of the American People").

4. Performance Challenges

OLC’s ability to accomplish its mission centers primarily on its ability to maximize resources to meet the demands of an externally-driven workload.

External Challenges: OLC generally does not initiate any programs, nor does it have control over the volume of its work. The work results from requests for opinions and legal advice from the Counsel to the President; general counsels of OMB and other Executive Office of the President components; general counsels of Executive Branch departments and agencies; the Attorney General and other Department of Justice officials. The lack of control over this externally-driven workload has been and is likely to remain a feature of OLC’s mission, and is inherent in all aspects of the Office’s work in reviewing legislation, testimony, and Presidential documents.

Internal Challenges: Because OLC is a relatively small component, representing only a single decision unit, OLC has little flexibility in responding to unexpected surges in workload, such as those created by national security matters or the financial crisis.

5. Environmental Accountability

In compliance with Executive Order 13423, OLC is striving to integrate environmental accountability into our strategic management plans with the inclusion of procurement governance on Sustainable Buildings, Energy Management, Transportation, Recycling, Water Management, Environmental Management Systems, Electronics Stewardship, and the reduction of Toxic and Hazardous Chemicals

II. Summary of Program Changes

Due to fiscal constraints, staffing challenges and the need for constant reevaluation of processes to find the most efficient management of resources, several executive office functions of the Office of Legal Counsel (OLC) and the Office of Solicitor General (OSG) have been consolidated. OLC and OSG are similarly sized components of the General Legal Activities (GLA) appropriation. The executive offices of these two offices have been merged into a single, unified executive office. This consolidation streamlines the executive office functions of OSG and OLC and combines many of the overlapping functions.

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Office of Legal Counsel	OLC/OSG Administrative Functions Consolidation	0	0	-232	

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

Please refer to the General Legal Activities consolidated exhibit and related analysis.

IV. Decision Unit Justification

A. Office of Legal Counsel

<i>Office of Legal Counsel</i>	Permanent Positions	FTE	Amount
2012 Enacted	37	28	7,605
2013 Continuing Resolution	37	28	7,652
2013 Continuing Resolution 0.612% Increase	0	0	-47
2013 Current Services	37	28	7,605
2013 Supplemental Appropriation – Sandy Hurricane Relief	0	0	0
Base and Technical Adjustments	-8	-8	-250
2014 Current Services	29	20	7,402
2014 Program Increase	0	0	0
2014 Program Offsets	0	0	-232
2014 Request	29	20	7,170
Total Change 2012-2014	-8	-8	-435

1. Program Description

Playing a major role in intelligence and national security reforms and issues following September 11, 2001, OLC has continued to devote a significant portion of its resources to providing legal advice to the White House, the Attorney General, and other Executive Branch agencies in these areas, and we do not expect that to change. This focus has, unfortunately, come at the expense of some of the rest of the Office's workload. The Office is also now taxed by the demands placed upon it by handling the legal issues that have arisen in relation to pending legislation.

In addition to these responsibilities, OLC will continue its principal duty of assisting the Attorney General in his role as legal advisor to the President and Executive Branch agencies. OLC will also continue in FY 2014 to serve as arbiter of legal disputes within the Executive Branch, to provide general legal assistance to other components of the Department, including where litigation or proposed legislation raises constitutional issues or general issues of executive authority, and to review for form and legality all Executive Orders and Proclamations to be issued by the President, as well as all proposed Orders of the Attorney General and all regulations requiring Attorney General approval.

OLC's role in the Department's legislative program has increased dramatically in recent years, and includes drafting comments on pending legislation and testimony. OLC regularly receives legislation for review from both OMB and the Department's Office of Legislative Affairs, in addition to specific requests from other agencies; the volume is high and the deadlines usually urgent. OLC has taken a major role in preparing testimony in connection with pending legislation of interest to the Department and the Executive Branch, and has assisted in the drafting of legislation. In addition, because of its expertise in certain areas, OLC has assumed an on-going advisory role to other Department components, including the Office of the Solicitor General, the National Security Division, and the litigating divisions, on issues relating to, among other things, constitutional rights, national security, and immigration matters.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Office of Legal Counsel											
RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2012		FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		28	7,605	28	6,590	28	7,652	-8	482	20	7,170
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	Office of Legal Counsel	28	7,605	28	6,590	28	7,652	-8	482	20	7,170
Performance Measure: Output	Provision of Legal Opinions on Constitutional questions from the President and Executive Branch agencies	1700		1700		1700				1700	
Performance Measure: Efficiency	Review form and legality of all proposed Executive Orders and Proclamations to be issued by the President	190		190		190				190	
Performance Measure: Outcome											

Data Definition, Validation, Verification, and Limitations: Use this section to discuss data terms, data sources, how the information is collected, how the information is verified, and data limitations to include how well the indicator measures performance in this area.

PERFORMANCE MEASURE TABLE

Decision Unit:

Performance Report and Performance Plan Targets		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
		Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Provision of Legal Opinions on Constitutional questions from the President and Executive Branch	1,700	1,700	1,700	1,700	1,700	1,700	1,700	1,700	1,700
Performance Measure	Review form and legality of all proposed Executive Orders and Proclamaitons to be issued by the President	190	190	190	190	190	190	190	190	190

N/A = Data unavailable

* Denotes inclusion in the DOJ Annual Performance Plan

3. Performance, Resources, and Strategies

The Office of Legal Counsel represents a single decision unit. Given its primary mission (“assisting the Attorney General in his role as legal advisor to the President and Executive Branch agencies”), OLC is involved in every aspect of the Department’s Strategic Plan. OLC has issued opinions or otherwise rendered legal advice touching on virtually every aspect of the Department’s overall work and mission.

a. Performance Plan and Report for Outcomes

Because of the legal advisory nature of its mission and workload, OLC is not included for review in the Department’s Performance and Accountability Report (PAR). This budget submission is part of the Department’s Performance Plan since we are reporting targets through FY13. However, OLC does not have measures in the PAR.

b. Strategies to Accomplish Outcomes

Since September 11, 2001, OLC has had to realign its priorities in terms of workload and assignments in order to meet the variety of new challenges, while still endeavoring to meet its ongoing workload demands to the greatest extent possible with existing resources.

c. Priority Goals

OLC’s Priority Goals for FY 2014 are as follows:

- Provide critical legal advice to the White House, the Attorney General, other components of DOJ, and other Executive Branch agencies
- Resolve intra-Executive Branch disputes over legal questions
- Advise whether proposed legislation raises constitutional issues or other legal issues of general concern to the Executive Branch
- Approve for form and legality all Executive Orders and Orders of the Attorney General

V. Program Increases by Item:

N/A

VI. Program Offsets by Item

Item Name: Administrative Functions Consolidation

Budget Decision Unit(s): Office of Legal Counsel

Strategic Goal(s) & Objective(s): Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

Organizational Program: Office of Legal Counsel

Program Reduction: Positions 0 Atty 0 FTE 0 Dollars -\$232,000

Description of Item

The offset reflects consolidation of the Office of Solicitor General (OSG) and Office of Legal Counsel's (OLC) administrative functions by merging both components' executive offices into a single executive office.

Summary Justification

OSG and OLC are similarly sized components of the General Legal Activities (GLA) appropriation. Due to fiscal constraints, staffing challenges, and the need for constant reevaluation of processes to find the most efficient management of resources, several executive office functions have been consolidated in these two components by merging the executive offices of OLC and OSG into a single, unified executive office. This consolidation streamlines the executive office functions of OSG and OLC and combines many of the similar functions.

Impact on Performance (Relationship of Decrease to Priority Goals)

This reduction will not affect OLC's ability to accomplish its mission. The consolidation of the executive office functions will allow both OLC and OSG to operate in a more streamlined and efficient manner.

Funding

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
0		0	-232	0	0	0	-232	0	0	0	-232

Personnel Reduction Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Reduced	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Admin	N/A	0	-232		
Total Personnel	N/A	0	-232		

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Total Non-Personnel	N/A	N/A	0	0	0

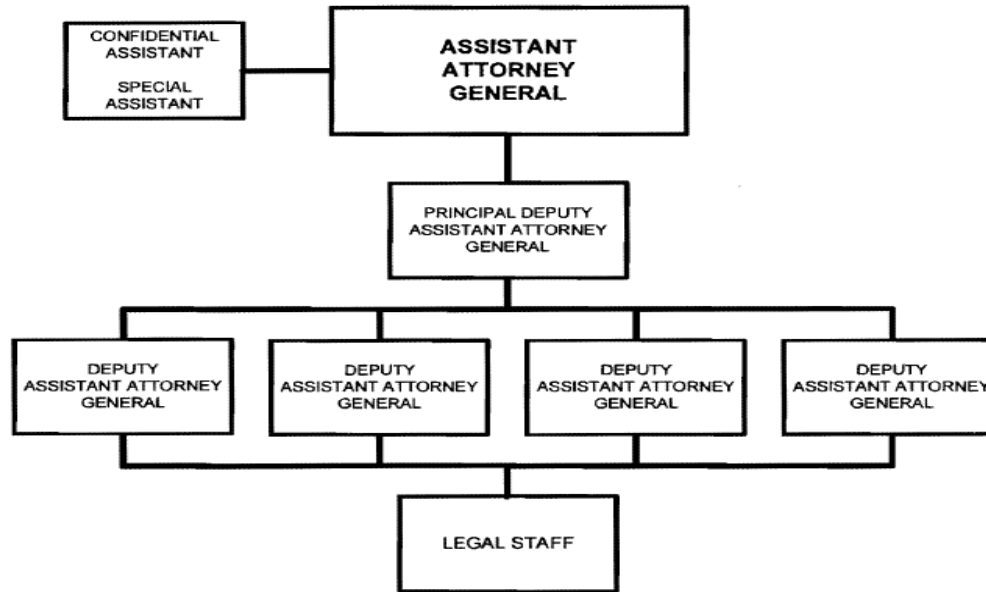
Total Request for this Item

	Pos	Agt/Atty	FTE	Total (\$000)	FY 2014 Net Annualization (change from 2014) (\$000)	FY 2015 Net Annualization (change from 2015) (\$000)
Current Services	0	0	0	-232		
Decreases	0	0	0	0		
Grand Total	0	0	0	-232		

VII. EXHIBITS

A: Organizational Chart

OFFICE OF LEGAL COUNSEL



* Executive, legal and administrative support services are cross-serviced by the Office of the Solicitor General.

Approved by:

ERIC H. HOLDER, JR.
Attorney General

Date: Aug. 23, 2012

B. Summary of Requirements

Summary of Requirements

Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

	FY 2014 Request		
	Direct Pos.	Estimate FTE	Amount
2012 Enacted	37	28	7,605
2013 Continuing Resolution	37	28	7,605
2013 CR 0.612% Increase			47
Total 2013 Continuing Resolution	37	28	7,652
Technical Adjustments			
Adjustment - 2013 CR 0.612%			-47
Total Technical Adjustments	0	0	-47
Base Adjustments			
Transfers:			
Administrative Positions - To OSG	-6	-6	-570
JCON and JCON S/TS - To Components	0	0	29
Office of Information Policy (OIP) - From Components	0	0	-23
Professional Responsibility Advisory Office (PRAO) - From Components	0	0	-7
Pay and Benefits	-2	-2	255
Domestic Rent and Facilities	0	0	113
Total Base Adjustments	-8	-8	-203
Total Technical and Base Adjustments	-8	-8	-250
2014 Current Services	29	20	7,402
Program Changes			
Offsets:			
OLC/OSG Executive Officer Merger	0	0	-232
Subtotal, Offsets	0	0	-232
Total Program Changes	0	0	-232
2014 Total Request	29	20	7,170
2012 - 2014 Total Change	-8	-8	-435

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

Summary of Requirements

Office Of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution*			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Office Of Legal Counsel	37	28	7,605	37	28	7,652	-8	-8	-250	29	20	7,402
Total Direct	37	28	7,605	37	28	7,652	-8	-8	-250	29	20	7,402
Balance Rescission			0			0			0			0
Total Direct with Rescission			7,605			7,652			-250			7,402
Reimbursable FTE		0			0			0			0	
Total Direct and Reimb. FTE		28			28			-8			20	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		28			28			-8			20	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Office Of Legal Counsel	0	0	0	0	0	-232	29	20	7,170
Total Direct	0	0	0	0	0	-232	29	20	7,170
Balance Rescission			0			0			0
Total Direct with Rescission			0			-232			7,170
Reimbursable FTE		0			0			0	
Total Direct and Reimb. FTE		0			0			20	
Other FTE:								0	
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		0			0			20	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

C. Program Changes by Decision Unit

FY 2014 Program Increases/Offsets by Decision Unit

Office of Legal Counsel

Salaries and Expenses

(Dollars in Thousands)

Program Offsets	Location of Description by Program Activity	Office of Legal Counsel				Total Offsets			
		Direct Pos.	Agt./ Atty.	Est. FTE	Amount	Direct Pos.	Agt./ Atty.	Est. FTE	Amount
OLC/OSG Executive Office Merger		0	0	0	-232	0	0	0	-232
Total Program Offsets		0	0	0	-232	0	0	0	-232

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective

Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted		2013 Continuing Resolution*		2014 Current Services		2014 Increases		2014 Offsets		2014 Total Request	
	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount
Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law												
2.1 Combat the threat, incidence, and prevalence of violent crime.	28	7,605	28	7,652	20	7,402	0	0	0	-232	20	7,170
Subtotal, Goal 2	28	7,605	28	7,652	20	7,402	0	0	0	-232	20	7,170
Subtotal, Goal 3	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	28	7,605	28	7,652	20	7,402	0	0	0	-232	20	7,170

Note: Excludes Balance Rescission and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Office of Legal Counsel

Salaries and Expenses

(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
Technical Adjustments			
1 <u>Adjustment - 2013 CR 0.612%:</u> PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.	0	0	-47
Subtotal, Technical Adjustments	0	0	-47
Transfers			
1 <u>OSG and OLC Executive Office Merger:</u> The Office of the Solicitor General (OSG) and the Office of Legal Counsel (OLC) are similarly sized components of the General Legal Activities (GLA) appropriation. Due to fiscal constraints, staffing challenges, and the need for constant reevaluation of processes to find the most efficient management of resources, several executive office functions have been consolidated in these two components by merging the executive offices of OSG and OLC into a single, unified executive office.	-6	-6	-570
2 <u>JCON and JCON S/TS:</u> A transfer of \$29,000 is included in support of the Department's JCON and JCON S/TS programs which will be moved to the Working Capital Fund and provided as a billable service in FY 2014.	0	0	29
3 <u>OIP and PRAO Reimbursable Agreements:</u> Via reimbursable vehicle, OLC transfers funding to the Office of Information and Policy (OIP) and the Professional Responsibility Advisory Office (PRAO) into the General Administration appropriation. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process. The FY 2013 transfer amounts for OIP and PRAO are based on the FY 2012 actual costs plus standard inflation per year (the average increase over the past three years) to bridge to FY 2013 amounts. The amount per component is based on the average percentages of total costs paid by that component since 2007.	0	0	-30
Subtotal, Transfers	-6	-6	-571
Pay and Benefits			
1 <u>2014 Pay Raise:</u> This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The increase only includes the general pay raise. The amount request, \$255,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$186,000 for pay and \$62,000 for benefits.)	-2	-2	248
2 <u>Retirement:</u> Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$7,000 is necessary to meet our increased retirement obligations as a result of this conversion.			7
Subtotal, Pay and Benefits	-2	-2	255
Domestic Rent and Facilities			
1 <u>General Services Administration (GSA) Rent:</u> GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$115,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2014 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			115
2 <u>Guard Services:</u> This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested decrease of \$2,000 is required to meet these commitments.			-2
Subtotal, Domestic Rent and Facilities	0	0	113
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	-8	-8	-250

F. Crosswalk of 2012 Availability

Crosswalk of 2012 Availability

Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover Amount	Recoveries/ Refunds Amount	2012 Actual		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount			Direct Pos.	Actual FTE	Amount
Office of Legal Counsel	37	28	7,605	0	0	0	-6	-1	-143	0	0	31	27	7,462
Total Direct	37	28	7,605	0	0	0	-6	-1	-143	0	0	31	27	7,462
Reimbursable FTE		0			0			0					0	
Total Direct and Reimb. FTE		28			0			-1					27	
Other FTE:														
LEAP		0			0			0					0	
Overtime		0			0			0					0	
Grand Total, FTE		28			0			-1					27	

Reprogramming/Transfers

A total of \$143K was reprogrammed from OLC to OSG as a result of the merger of the executive office functions.

Carryover:

Recoveries/Refunds:

G. Crosswalk of 2013 Availability

Crosswalk of 2013 Availability
 Office of Legal Counsel
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation Amount	Reprogramming/Transfers			Carryover Amount	Recoveries/ Refunds Amount	2013 Availability		
	Direct Pos.	Estim. FTE	Amount		Direct Pos.	Estim. FTE	Amount			Direct Pos.	Estim. FTE	Amount
Federal Appellate Activity	37	28	7,652	0	-8	-8	-570	0	0	29	20	7,082
Total Direct	37	28	7,652	0	-8	-8	-570	0	0	29	20	7,082
Balance Rescission			0									0
Total Direct with Rescission			7,652									7,082
Reimbursable FTE		0				0		0			0	
Total Direct and Reimb. FTE		28				-8		0			20	
Other FTE:												
LEAP		0				0		0			0	
Overtime		0				0		0			0	
Grand Total, FTE		28				-8		0			20	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

Reprogramming/Transfers

A total of \$570K will be reprogrammed from OLC to OSG as a result of the merger of executive office functions.

Carryover:

Recoveries/Refunds:

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Office of Legal Counsel

Salaries and Expenses

(Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		2014 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Clerical and Office Services (300-399)	8	0	8	0	-6	0	0	2	0
Attorneys (905)	25	0	25	0	2	0	0	27	0
Paralegals / Other Law (900-998)	4	0	4	0	-4	0	0	0	0
Total	37	0	37	0	-8	0	0	29	0
Headquarters (Washington, D.C.)	37	0	37	0	-8	0	0	29	0
U.S. Field	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	37	0	37	0	-8	0	0	29	0

K. Summary of Requirements by Grade

Summary of Requirements by Grade

Office of Legal Counsel

Salaries and Expenses

(Dollars in Thousands)

Grades and Salary Ranges	2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
EX \$ 145,700 - 199,700	1	156	1	156	1	158	0	2
SES/SL \$ 119,554 - 179,700	9	1,585	9	1,585	9	1,601	0	16
GS-15 \$ 123,758 - 155,500	16	2,392	17	2,548	16	2,146	-1	-402
GS-14 \$ 105,211 - 136,771	1	126	3	315	2	212	-1	-103
GS-13 \$ 89,033 - 115,742	1	92	1	92	0	0	-1	-92
GS-12 \$ 74,872 - 97,333	2	194	2	194	0	0	-2	-194
GS-11 \$ 62,467 - 81,204	6	468	3	231	2	154	-1	-77
GS-9 \$ 51,630 - 67,114	1	52	0	0	-1	-53	-1	-53
GS-7 \$ 42,209 - 54,875	0	0	1	42	0	0	-1	-42
Total, Appropriated Positions	37	5,065	37	5,163	29	4,218	-8	-945
Average SES Salary		179,700		185,091		190,644		
Average GS Salary		121,566		123,615		127,323		
Average GS Grade		14		14		14		

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Office of Legal Counsel
Salaries and Expenses
(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability*		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	28	3,458	28	3,815	20	3,934	-8	119
11.3 Other than Full-Time Permanent	0	346	0	274	0	261	0	-13
11.5 Other Personnel Compensation	0	66	0	194	0	214	0	20
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	0	0	0	0	0	0	0
Total	28	3,870	28	4,283	20	4,409	-8	126
Other Object Classes								
12.0 Personnel Benefits		1,030		902		1,063		161
21.0 Travel and Transportation of Persons		5		10		5		-5
22.0 Transportation of Things		29		40		40		0
23.1 Rental Payments to GSA		1,117		1,128		1,130		2
23.2 Rental Payments to Others		43		43		43		0
23.3 Communications, Utilities, and Miscellaneous Charges		82		100		94		-6
24.0 Printing and Reproduction		61		75		40		-35
25.2 Other Services from Non-Federal Sources		25		65		53		-12
25.3 Other Goods and Services from Federal Sources		223		278		172		-106
25.6 Medical Care		3		3		3		0
25.7 Operation and Maintenance of Equipment		9		12		12		0
26.0 Supplies and Materials		82		100		96		-4
31.0 Equipment		10		43		10		-33
Total Obligations		6,589		7,082		7,170		88
Subtract - Unobligated Balance, Start-of-Year		0		0		0		0
Subtract - Transfers/Reprogramming		143		570		0		-570
Subtract - Recoveries/Refunds		0		0		0		0
Add - Unobligated End-of-Year, Available		0		0		0		0
Add - Unobligated End-of-Year, Expiring		873		0		0		0
Total Direct Requirements	28	7,605	28	7,652	20	7,170	0	-482
Reimbursable FTE								
Full-Time Permanent	0		0		0		0	
23.1 Rental Payments to GSA (Reimbursable)		0		0		0		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		0		0		0		0

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).