

**OFFICE OF THE SOLICITOR GENERAL**

**FY 2008 PRESIDENT'S BUDGET SUBMISSION**

**January 30, 2007**

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\* Please refer to the General Legal Activities Consolidated Exhibits.

## **I. Overview for the Office of the Solicitor General**

### **A. Introduction**

In FY 2008, the Office of the Solicitor General (OSG) requests a total of \$10,085,000, 48 positions, including 22 attorney positions, and 49 FTE to meet its mission. This request includes only base funding since OSG is not requesting any program increases. Beginning in FY 2007, electronic copies of the Department of Justice's congressional budget justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet address:

**<http://www.usdoj.gov/jmd/2008justification/>**.”

### **B. Mission/Background**

Mission: The major function of the Solicitor General's Office is to conduct all litigation on behalf of the United States in the Supreme Court of the United States and to supervise the handling of litigation in the federal appellate courts. The original Statutory Authorization Act of June 22, 1870, states: “There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Solicitor General.” As stated in 28 CFR 0.20, the general functions of the Office are as follows: (1) conducting or assigning and supervising all Supreme Court cases, including appeals, petitions for and in opposition to certiorari, briefs and arguments; (2) determining whether, and to what extent, appeals will be taken by the government to all appellate courts (including petitions for rehearing en banc and petitions to such courts for the issuance of extraordinary writs); (3) determining whether a brief amicus curiae will be filed by the government, or whether the government will intervene, in any appellate court, or in any trial court in which the constitutionality of an Act of Congress is challenged; and (4) assisting the Attorney General and the Deputy Attorney General in the development of broad Department program policy.

No programs within OSG have been selected for review under the Program Assessments Rating Tool (PART) process.

### **C. Challenges**

Although OSG's mission and strategic objectives will not change in FY 2008, the challenges it faces may. OSG has recently faced new expectations unprecedented in its history, and was called upon to assume added responsibilities. For example, the Solicitor General was asked by the Attorney General and the White House to assume litigation responsibilities in the lower courts with regard to challenges to the United States government's detention at Guantanamo Bay, Cuba, and at the Naval Brig in South Carolina of enemy combatants captured in connection with the ongoing war on terror. Since September 11th, lawyers from OSG, therefore, appear in lower courts more often. Lawyers from OSG have appeared in the D.C., 2nd, 4th, 7th, and 9th Circuits in important terrorism related cases. These cases are handled by a team of government lawyers headed by the Solicitor General and have placed a significant drain on the limited resources of the Office.

OSG supports the strategic plan of the Department of Justice in the following way.

**DOJ Strategic Goal 2: Enforce Federal Laws and Represent the Rights and Interests of the American People (\$10,085,000)**

- Objective 2.5: Enforce federal statutes, uphold the rule of law, and vigorously represent the interests of the United States in all matters for which the Department of Justice has jurisdiction.

**D. Full Program Costs**

OSG only has one program—Federal Appellate Activity. Its program costs consist almost entirely of fixed costs, such as, personnel and personnel-related costs (71%), GSA rent (17%), and printing (1.5%).

**E. Performance Challenges**

**External Challenges** The Office of the Solicitor General does not initiate any programs, but, it is required to handle all appropriate Supreme Court cases and requests for appeal, amicus, or intervention authorization. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States is obliged to respond. Additionally, the Supreme Court formally requests the Solicitor General to express the views of the United States. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of certiorari filed by an adverse party, or participates as an intervenor or as amicus curiae is governed exclusively by the Solicitor General's determination that it is in the best interest of the United States to do so. Further, such activity may vary widely from year to year, which limits the Office's ability to plan its workload and performance activity, since the Office has no control over this activity. For example, in FY 2003 the Supreme Court asked the Solicitor General for his views in an unusually high number of cases (24) in which the government was not already involved, while they requested his views for 15 cases in FY 2004 and 13 times in FY 2005. Responses are required, and generally take considerable time to research, analyze and respond.

**Internal Challenges** The Office's personnel resources have not increased in several years. Due to the size of the Office, when positions become vacant it places undue burden on the entire staff to keep the work flowing. When attorneys leave and before replacements arrive, the work must be assigned to another attorney who is already overburdened. This slows down the process and, in turn, affects all units/sections in the office, i.e., Paralegal Unit, Desktop Publishing Unit, and Case Management Section.

**IV. Decision Unit Justification**  
**A. Federal Appellate Activity**

<b>Federal Appellate Activity</b>	<b>TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2006 Enacted w/ Rescissions and Supplementals		48	49	\$8,292,000
2007 Estimate		48	49	9,237,000
Adjustments to Base and Technical Adjustments				848,000
2008 Current Services		48	49	10,085,000
2008 Program Increases				0
2008 Offsets				0
2008 Request		48	49	10,085,000
<b>Total Change 2007-2008</b>				848

**1. Program Description**

The major function of the Solicitor General’s Office is to supervise the handling of government litigation in the Supreme Court of the United States and in Federal appellate courts, to determine whether an amicus curiae brief will be filed by the government, and to approve intervention by the United States to defend the constitutionality of acts of Congress.

The original Statutory Authorization Act of June 22, 1870, states: “There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Solicitor General.” As stated in 28 CFR 0.20, the general functions of the Office are as follows: (1) conducting or assigning and supervising all Supreme Court cases, including appeals, petitions for and in opposition to certiorari, briefs and arguments; (2) determining whether, and to what extent, appeals will be taken by the government to all appellate courts (including petitions for rehearing en banc and petitions to such courts for the issuance of extraordinary writs); (3) determining whether a brief amicus curiae will be filed by the government, or whether the government will intervene, in any appellate court, or in any trial court in which the constitutionality of an Act of Congress is challenged; and (4) assisting the Attorney General and the Deputy Attorney General in the development of broad Department program policy.

This Office does not initiate any programs or have control of the Supreme Court litigations it is required to conduct or the number of appeal and amicus authorizations it handles. Amicus filings often involve important constitutional or Federal statutory questions that will fundamentally affect the administration and enforcement of major Federal programs. Examples in recent Terms include cases presenting significant issues of criminal procedure (affecting the government’s ability to succeed in prosecutions), as well as important issues under the civil rights laws (such as the Voting Rights Act and the Americans with Disabilities Act), the environmental laws (such as the Clean Water Act), and many others.

The Office had an increase in the number of requests received by the Solicitor General in FY 2005 in its workload measure regarding appeal authorizations, or for intervention or participation in state or federal litigation. During the 2004 Term of the Supreme Court which parallels FY 2005 (July 1, 2004 through June 30, 2005), the Office had 497 Supreme Court matters pending at the beginning of the Term and received an additional 3,876 Supreme Court matters, terminating approximately 3,953 of these matters, leaving a balance of 420 matters pending at the end of the Term. The Office also

completed approximately 857 appellate determinations, 601 certiorari determinations, 732 miscellaneous recommendations.<sup>1</sup> Appellate determinations include both appeal authorizations and no appeal decisions. Certiorari determinations include certiorari authorizations, no certiorari decisions, direct appeal authorizations and no direct appeal decisions. Miscellaneous decisions include amicus participation, mandamus, rehearing, settlement, bails, stays, etc. The attorneys in the Office participated in 65 oral arguments before the Supreme Court.<sup>2</sup>

During FY 2006 (the 2005 Term of the Supreme Court running June 29, 2005 through June 30, 2006), the Office had 420 Supreme Court matters pending at the beginning of the Term, received an additional 4,125 Supreme Court matters, terminated 4,062 of these matters, leaving a balance of 483 matters pending at the end of the Term. The Office also completed 991 appellate determinations, 1,017 certiorari determinations, 649 miscellaneous recommendations, and participated in 61 oral arguments before the Supreme Court. During FY 2007 (the 2006 Term of the Supreme Court running July 1, 2006 through June 30, 2007), the Office anticipates having approximately 483 Supreme Court matters pending at the beginning of the Term, receiving an additional 3,800 Supreme Court matters, terminating approximately 3,876 of these matters, leaving a balance of 407 matters pending at the end of the Term. The Office also anticipates completing approximately 860 appellate determinations, 601 certiorari determinations, 732 miscellaneous recommendations, and participating in approximately 65 oral arguments before the Supreme Court. Finally, during FY 2008 (the 2007 Term of the Supreme Court running July 1, 2007 through June 30, 2008), the Office anticipates having approximately 407 Supreme Court matters pending at the beginning of the Term, receiving an additional 3,876 Supreme Court matters, terminating approximately 3,876 of these matters, leaving a balance of 407 matters pending at the end of the Term. The Office also anticipates completing approximately 860 appellate determinations, 601 certiorari determinations, 732 miscellaneous recommendations, and participating in approximately 65 oral arguments before the Supreme Court.

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<sup>1</sup> The figures on determinations and recommendations provided in this document do not directly correspond with the figures provided on the Office's Workload Measurement Tables. Our Workload Measurement Tables track our workload by case; these figures track our workload by determination. Often, the Office of the Solicitor General will receive a request for authorization that includes more than one potential outcome: for example, the Solicitor General may receive a request for authorization for rehearing en banc, or, in the alternative, for a petition for a writ of certiorari. In that case, the Solicitor General may make two determinations; (1) no rehearing and (2) no certiorari. Our Workload Measurement Tables reflect that as a single request; here, we have provided a separate accounting for each determination. Additionally, the figures provided in this document under "miscellaneous requests" include requests for authorization of settlement, for stays, and for mandamus, while the figures on the Performance Measurement Tables do not include such requests.

<sup>2</sup> The figure for oral argument participation reflects the number of oral arguments the Office presented to the Supreme Court as a party, amicus curiae, or intervenor; it does not reflect the total number of underlying cases for each of those arguments.

**PERFORMANCE AND RESOURCES TABLE**

**Decision Unit:**

DOJ Strategic Goal/Objective: Goal 2--Enforce Federal Law and Represent the Rights and Interests of the American People. Objective 2.5 Enforce federal statutes, uphold the rule of law, and vigorously represent the interests of the United States in all matters for which the Department of Justice has jurisdiction.

<b>WORKLOAD/ RESOURCES</b>		<b>Final Target</b>		<b>Actual</b>		<b>Estimate</b>		<b>Changes</b>		<b>Requested (Total)</b>	
<b>Federal Appellate Activity</b>		<b>FY 2006</b>		<b>FY 2006</b>		<b>2007 President's Budget</b>		<b>Current Services Adjustments and FY 2008 Program Change</b>		<b>FY 2008 Request</b>	
<b>Workload</b>											
Cases in which the Solicitor General is required to participate or in which the Solicitor General determines participation is in the interest of the United States.		3,876		4,125		3,876					3,876
Requests received by the Solicitor General for authorization to appeal to the Supreme Court or to a lower federal appellate court,3 or for intervention or participation amicus curiae in any state or federal litigation.		1,873		2,454		1,873					1,873
<b>Total Costs and FTE</b> (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
		49	\$8,291	49	\$8,668	49	\$9,977		\$848	49	\$10,085
<b>TYPE/ STRATEGIC OBJECTIVE</b>	<b>PERFORMANCE</b>	<b>FY 2006</b>		<b>FY 2006</b>		<b>FY 2007</b>		<b>Current Services Adjustments &amp; FY 08 Program Change</b>		<b>FY 2008 Request</b>	
		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
<b>Program Activity</b>	<b>Federal Appellate Activity</b>	49	\$8,291	46	\$8,668	49	\$9,977		\$848	49	\$10,085
<b>Workload Measure</b>	Cases in which the Solicitor General participated.	3,887		4,000		3,887					3,750
<b>Workload Measure</b>	Requests to which the Solicitor General responded.	1,851		2,389		1,851					1,851
<b>OUTCOME</b>											

**A. Definitions of Terms or Explanations for Indicators:**

**Footnote 1:** Because the work of the Office is primarily governed by the Supreme Court's schedule, the Office tracks its workload by Supreme Court Term. Fiscal years roughly correspond to Supreme Court Terms, which run from July of the Term year through June of the next year. Reference to fiscal years in this document will reflect information for the applicable Supreme Court Term. Accordingly, FY 2006 corresponds with the 2005 Supreme Court Term, FY 2007 corresponds with the 2006 Supreme Court Term, and so on. The Office of the Solicitor General handles Supreme Court matters on an ongoing basis. As a result, some matters will overlap from one fiscal year to the next, and they are included in the data for the term in which they most appropriately fit.

**Footnote 2:** Includes requests for authorizations as well as recommendations against appeal, intervention, or participation amicus curiae. This category does not include miscellaneous requests, such as requests for authorization of settlement, for stays, for mandamus, etc.

**Footnote 3:** Includes requests for authorization to petition for rehearing en banc.

**B. Data Validation and Verification.**

The Office of the Solicitor General handles all aspects of the law—not just civil matters. The Office uses the Automated Docket System (ADS) to track the matters handled by its attorneys. Data are keyed by the Case Management staff. For Supreme Court matters, all data are verified by the Supervisor or her Assistant, and checked against Supreme Court Records. The Case Management System Supervisor executes daily statistical reports to ensure accurate tracking of both Supreme Court matters and requests for authorization to appeal, intervene, or participate amicus curiae. Additionally, once a week the Case Management System Supervisor distributes statistical reports on all Office matters to each attorney in the Office. The attorneys then review the reports to ensure accurate tracking of the matters for which they are responsible.

**Issues Affecting OSG's Program Performance.**

The Office of the Solicitor General does not initiate any programs or have control over the number of Supreme Court cases it is required to handle or the number of requests for appeal, amicus, or intervention authorizations it receives. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States is obliged to respond. Additionally, the Office does not control the number of cases in which the Supreme Court formally requests the Solicitor General to express the views of the United States. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of certiorari filed by an adverse party, or participates as an intervenor or as amicus curiae is governed exclusively by the Solicitor General's determination that it is in the best interests of the United States to do so. Thus, the Solicitor General participates in 100% of the cases in which the United States is required to participate, as well as 100% of the cases in which the Solicitor General has determined that the interests of the United States require participation.

**WORKLOAD MEASURE TABLE**

**Decision Unit:**

Performance Report and Performance Plan Targets		FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006		FY 2007	FY 2008
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Workload Measure</b>	Cases in which the Solicitor General participated.	3,031	3,237	3,675	3,736	3,811	3,345	3,887	4,000	3,887	3,750
<b>Workload Measure</b>	Requests to which the Solicitor General Responded.	1,919	1,935	1,827	1,779	1,815	2,145	1,851	2,389	1,851	1,851
<b>OUTCOME Measure</b>											

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

The Office of the Solicitor General's only decision unit—Federal Appellate Activity—contributes to the Department's Strategic Goal 2: Enforce Federal Laws and Represent the Rights and Interests of the American People. The decision unit's total resources fall under the Department's Strategic Objective 2.5 – Enforce federal statutes, uphold the rule of law, and vigorously represent the interests of the United States in all matters for which the Department of Justice has jurisdiction.

### **a. Performance Plan and Report for Outcomes**

The first performance measure is: Cases in which the Solicitor General participated. During the 2004 (FY 2005) Supreme Court Term (July 1, 2004 through June 30, 2005), the Office participated in 3,345 cases, and participated in 4,000 cases during the 2005 (FY 2006) Supreme Court Term.

The second performance measure is: Requests to which the Solicitor General responded. During the 2004 (FY 2005) Supreme Court Term (July 1, 2004 through June 30, 2005), the Office responded to 2,145 requests, and responded to 2,389 requests during the 2005 Supreme Court Term. Because the work of the Office is primarily governed by the Supreme Court's schedule, the Office tracks its workload by Supreme Court Term. Fiscal years roughly correspond to Supreme Court Terms, which run from July of the Term year through June of the next year.

OSG participated in slightly fewer cases than anticipated, and responded to more requests than anticipated. However, unlike many of the Department of Justice components, the Office of the Solicitor General does not initiate any programs or have control over the number of Supreme court cases it is required to handle or the number of requests for appeal, amicus, or intervention authorizations it receives. In the vast majority of cases filed in the Supreme Court in which the United States is a party, a petition is filed by an adverse party and the United States is obliged to respond. Additionally, the Office does not control the number of cases in which the Supreme Court formally requests the Solicitor General to express the views of the United States. Thus, performance measures may vary widely from year to year which increases the likelihood that OSG's actual measures will also vary widely from projected goals. The number of cases in which the Solicitor General petitions the Supreme Court for review, acquiesces in a petition for a writ of certiorari filed by an adverse party, or participates as an intervenor or as amicus curiae is governed exclusively by the Solicitor General's determination that it is in the best interests of the United States to do so.

### **b. Strategies to Accomplish Outcomes**

To fulfill the Office of the Solicitor General's critical mission of representing the interests of the United States in the Supreme Court, the Office will devote all resources necessary to prevail in the Supreme Court. For FY 2008, OSG is requesting base funding of 48 positions, 49 workyear and \$10,085,000 to accomplish its goals.

OSG has experienced an increase in several Court related activities. In addition, the OSG is facing new expectations unprecedented in its history and has been called upon to assume added responsibilities. For example, the Solicitor General was asked by the Attorney General and the White House to assume litigation responsibilities in the lower courts with regard to whether the United States government's detention at Guantanamo Bay, Cuba, of al Qaida and Taliban forces captured during the military operations in Afghanistan may be challenged by a writ of habeas corpus in a civilian U.S. court, and, if so, whether their detention violates the United States Constitution, treaties, or other principles of international law. Since September 11th, lawyers from OSG appear in lower courts more often. Lawyers from OSG have appeared in the D.C. 2nd, 4th, 7th, and 9th

Circuits in important terrorism related cases. These cases are handled by a team of government lawyers headed by the Solicitor General and require a significant commitment of attorney and administrative staff resources, which add to the Office's workload. While it might be safe to assume OSG will continue its involvement in similar cases because of the ever changing environment related to world terrorist activities, it is too early to project a trend which can be measured with any degree of confidence.

The Office is reviewing its operations and processes to increase overall efficiency and reduce costs. The Office has made a number of changes and will continue to make additional efforts when appropriate.

This strategy will better enable the OSG and the Department to meet its mission and goals under DOJ Strategic Goal 2.5: Enforce federal statutes, uphold the rule of law, and vigorously represent the interests of the United States in all matters for which the Department has jurisdiction.

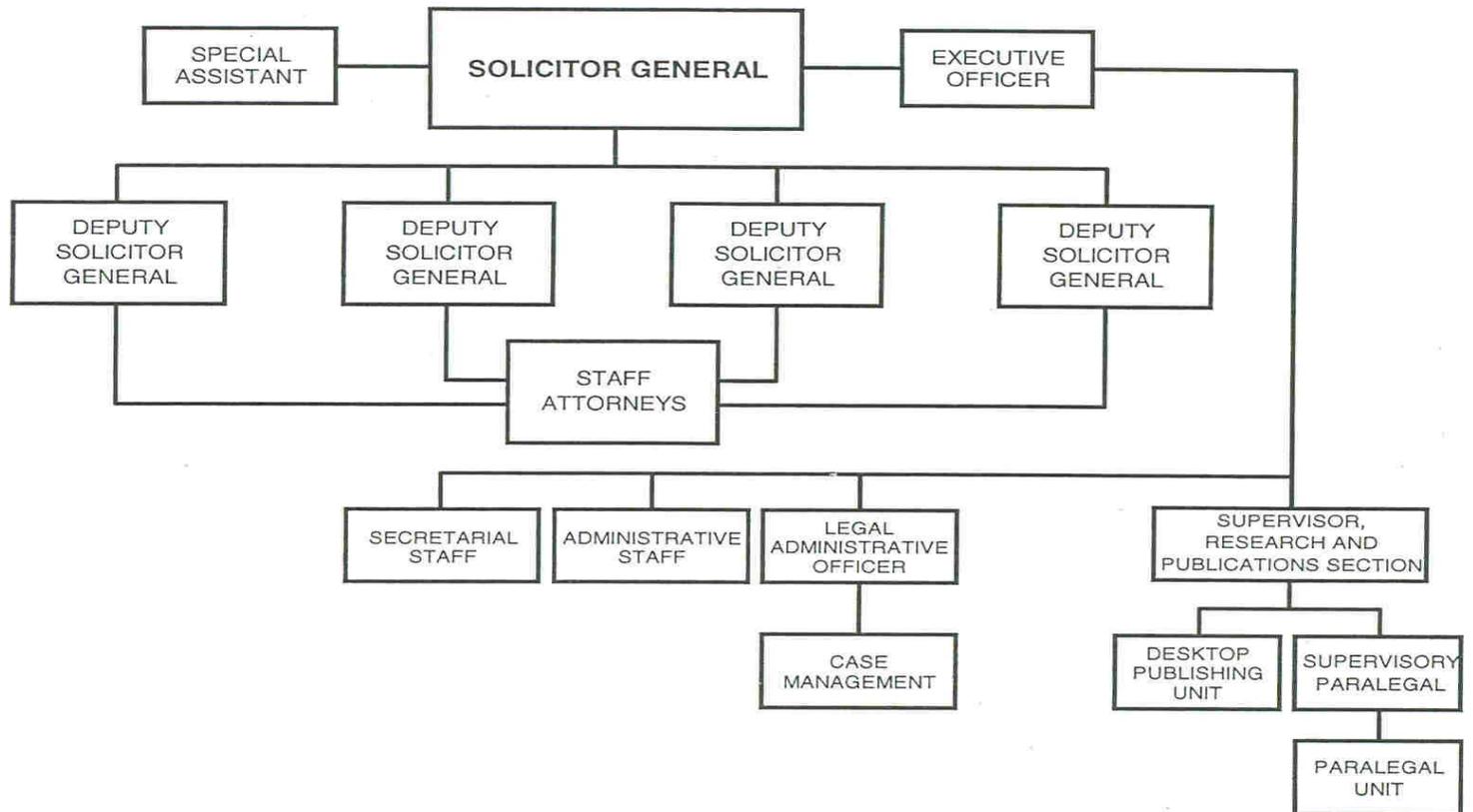
**c. Results of Program Assessment Rating Tool (PART) Reviews**

No programs in this budget account have been subject to a PART Review.

## **VII. EXHIBITS**

A: Organizational Chart

OFFICE OF THE SOLICITOR GENERAL



Approved by: *Alberto R. Gonzales* Date: 7/18/06  
ALBERTO R. GONZALES  
Attorney General

**B: Summary of Requirements**

**Summary of Requirements**  
Office of the Solicitor General  
Salaries and Expenses  
(Dollars in Thousands)

	FY 2008 Pres. Budget		
	Perm. Pos.	FTE	Amount
<b>2006 Enacted (with Rescissions, direct only)</b>	48	49	\$8,291
2006 Supplementals			
<b>Total 2006 Enacted (with Rescissions and Supplementals)</b>	48	49	8,291
2007 President's Budget (Information Only)	48	49	9,977
2007 Continuing Resolution Level (as reflected in the 2008 President's Budget; Information Only)	48	49	9,016
<b>2007 Estimate (direct only)*</b>	48	49	9,237
2007 Rescission Against Balances			
<b>2007 Estimate (with Rescissions)</b>	48	49	9,237
Technical Adjustments			(103)
Total Technical Adjustments	....	....	(103)
Adjustments to Base			
Increases:			
2008 pay raise (3.0%)			153
2007 pay raise annualization (2.2%)			268
Changes in Compensable Days			51
Thrift Savings Plan (TSP)			10
Health Insurance			20
Employees Compensation Func			1
GSA Rent			443
DHS Security Charges			1
Security Investigations			4
Subtotal Increases			951
Decreases:			
Unfunded Position and FTE Reductor			
Non-recurrences [list all]			
Subtotal Decreases	....	....	....
Total Adjustments to Base	....	....	951
Total Adjustments to Base and Technical Adjustment	....	....	848
<b>2008 Current Services</b>	<b>48</b>	<b>49</b>	<b>10,085</b>
Program Changes			
Increases [list all]			
Increase 1			
Increase 2			
Subtotal Increases	....	....	....
Offsets [list all]			
Offset 1			
Offset 2			
Subtotal Offsets	....	....	....
Total Program Changes	....	....	....
<b>2008 Total Request</b>	<b>48</b>	<b>49</b>	<b>10,085</b>
2007 - 2008 Total Change	....	....	848
2008 Rescissions from Balances			

\* The Department of Justice 2008 budget request was built on a starting point that recognized progress in enacting the FY 2007 appropriation. The starting point used (referred to throughout this document as the "Estimate") is the average of the Senate Committee and House pass marks, less one percent, unless noted otherwise.

**Summary of Requirements**  
Office of the Solicitor General  
Salaries and Expenses  
(Dollars in Thousands)

Estimates by budget activity	2006 Enacted w/Rescissions and Supplementals			2007 Estimate			2008 Adjustments to Base and Technical Adjustments			2008 Current Services			2008 Increases			2008 Offsets			2008 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Federal Appellate Activity	48	49	\$8,291	48	49	\$9,237			\$848	48	49	10,085	....	....	50	....	....	50	48	49	\$10,085
<b>Total</b>	<b>48</b>	<b>49</b>	<b>8,291</b>	<b>48</b>	<b>49</b>	<b>9,237</b>	....	....	<b>848</b>	<b>48</b>	<b>49</b>	<b>10,085</b>	....	....	....	....	....	....	<b>48</b>	<b>49</b>	<b>10,085</b>
Total Comp. FTE		49			49						49										49

D: Resources by DOJ Strategic Goal and Strategic Objective

**Resources by Department of Justice Strategic Goal/Objective**  
**Office of the Solicitor General**  
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2006 Enacted w/Rescissions and Supplementals		2007 Estimate		2008 Current Services		2008				2008 Request	
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Increases		Offsets		Direct, Reimb. Other FTE	Direct Amount \$000s
							Reimb. Other FTE	Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s		
Goal 2: Enforce Federal Laws and Represent the Rights and Interests of the American People												
2.5 Federal Appellate Activity	49	8,291	49	9,237	49	10,085					49	10,085
<b>Subtotal, Goal 2</b>	<b>49</b>	<b>8,291</b>	<b>49</b>	<b>9,237</b>	<b>49</b>	<b>10,085</b>	-	-	-	-	<b>49</b>	<b>10,085</b>
<b>GRAND TOTAL</b>	<b>49</b>	<b>\$ 8,291</b>	<b>49</b>	<b>\$ 9,237</b>	<b>49</b>	<b>\$ 10,085</b>	-	\$ -	-	\$ -	<b>49</b>	<b>\$ 10,085</b>

## E. Justification for Base Adjustments

### Justification for Base Adjustments Office of the Solicitor General

#### Increases

2008 pay raise. This request provides for a proposed 3.0 percent pay raise to be effective in January of 2008. (This percentage is likely to change as the budget formulation process progresses.) This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$153,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$ 124,000 for pay and \$29,000 for benefits).

Annualization of 2007 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2007 pay increase of 2.2. The amount requested \$268,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$ 216,000 for pay and \$52,000 for benefits).

Changes in Compensable Days. The increased costs of two more compensable days in FY 2008 compared to FY 2007 is calculated by dividing the FY 2007 estimated personnel compensation \$5,347,000 and applicable benefits \$1,283,000 by 260 compensable days. The cost increase of two compensable days is \$51,000.

Retirement. Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on OPM government-wide estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 3 percent per year. The requested increase of \$10,000 is necessary to meet our increased retirement obligations as a result of this conversion.

Health Insurance. Effective January 2006, this component's contribution to Federal employees' health insurance premiums increased and the additional amount required is \$20,000.

Employees Compensation Fund. The \$1,000 (increase or decrease) reflects payments to the Department of Labor for injury benefits paid on our behalf in the past year under the Federal Employee Compensation Act. This estimate is based on the first quarter of prior year billing and current year estimates.

General Services Administration (GSA) Rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$443,000 is required to meet our commitment to GSA.

DHS Security Charges. The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$1,000 is required to meet our commitment to DHS, and cost estimates were developed by DHS.

clearances.

**F: Crosswalk of 2006 Availability**

**Crosswalk of 2006 Availability**

Office of the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

Decision Unit	FY 2006 Enacted Without Rescissions			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2006 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Federal Appellate Activity	48	49	8,399			(108)						725				48	49	9,016
																....	....	....
																....	....	....
																....	....	....
<b>TOTAL</b>	<b>48</b>	<b>49</b>	<b>\$8,399</b>	<b>....</b>	<b>....</b>	<b>(\$108)</b>	<b>....</b>	<b>....</b>	<b>\$0</b>	<b>....</b>	<b>....</b>	<b>\$725</b>	<b>....</b>	<b>....</b>	<b>\$0</b>	<b>48</b>	<b>49</b>	<b>\$9,016</b>
Reimbursable FTE																		....
Total FTE		49			....			....			....			....				49
Other FTE																		
LEAP																		....
Overtime																		....
Total Compensable FTE		49			....			....			....			....				49

Enacted Rescissions. Funds rescinded as required by the Department of Justice Appropriations Act, 2006 (P.L. 109-108) and the Department of Defense Appropriations Act, 2006 (P.L. 109-148).

Reprogrammings. The reprogramming of positions and budget authority reflects the May 1, 2006 reprogramming notification.

**G: Crosswalk of 2007 Availability**

**Crosswalk of 2007 Availability**

Office of the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

Decision Unit	2007 Estimate			Rescissions			Reprogrammings / Transfers			Unobligated Balances Carried Forward /Recoveries			2007 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Federal Appellate Activity	48	49	9,237										48	49	9,237
													....	....	....
													....	....	....
													....	....	....
Unobligated Balance Rescission													....	....	....
<b>TOTAL</b>	<b>48</b>	<b>49</b>	<b>9,237</b>	<b>....</b>	<b>....</b>	<b>\$0</b>	<b>....</b>	<b>....</b>	<b>\$0</b>	<b>....</b>	<b>....</b>	<b>\$0</b>	<b>48</b>	<b>49</b>	<b>9,237</b>
Reimbursable FTE															....
Total FTE		49			....			....			....			49	
Other FTE															....
LEAP															....
Overtime															....
Total Compensable FTE		49			....			....			....			49	

**I: Detail of Permanent Positions by Category**

**Detail of Permanent Positions by Category**  
 Office of the Solicitor General  
 Salaries and Expenses

Category	2006 Enacted w/Rescissions and Supplementals		2007 Estimate		2008 Request								
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	Adj. to Base Increases	Adj. to Base Decreases	Total ATB	Program Increases	Program Decreases	Total Pr. Changes	Total Authorized	Total Reimbursable	
Clerical and Office Services (300-399)	17		17								....	17	
Accounting and Budget (500-599)	1		1								....	1	
Attorneys (905)	22		22								....	22	
Paralegals / Other Law (900-998)	6		6								....	6	
Information & Arts (1000-1099)	2		2								....	2	
Miscellaneous Operations (010-099)											....	....	
<b>Total</b>	<b>48</b>	<b>....</b>	<b>48</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>48</b>	<b>....</b>
<b>Location</b>													
Headquarters (Washington, D.C.)	48		48								....	48	
U.S. Field											....	....	
Foreign Field											....	....	
<b>Total</b>	<b>48</b>	<b>....</b>	<b>48</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>48</b>	<b>....</b>

**K: Summary of Requirements by Grade**

**Summary of Requirements by Grade**  
Office of the Solicitor General  
Salaries and Expenses

Grades and Salary Ranges	2006 Enacted w/Rescissions and Supplementals		2007 Estimate		2008 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Executive Level III, \$152,700	1		1		1		....	
SES, \$109,808 - \$165,000	4		4		4		....	
SL-2, \$152,000	1		1		1		....	
GS-15, \$107,521 - 139,774	17		17		17		....	
GS-14, \$91,407 - 118,828	3		3		3		....	
GS-13, \$77,353 - 100,554	2		2		2		....	
GS-12, \$65,048 - 84,559	3		3		3		....	
GS-11, \$54,272 - 70,558	9		9		9		....	
GS-9, \$44,856 - 58,318	8		8		8		....	
	....		....		....		....	
	....		....		....		....	
<b>Total, appropriated positions</b>	<b>48</b>		<b>48</b>		<b>48</b>		<b>....</b>	
<b>Average SES Salary</b>		\$ 164		\$ 169		\$ 173		
<b>Average GS Salary</b>		\$ 99		\$ 102		\$ 104		
<b>Average GS Grade</b>		12		....		....		

**L: Summary of Requirements by Object Class**

**Summary of Requirements by Object Class**  
 Office of the Solicitor General  
 Salaries and Expenses  
 (Dollars in Thousands)

Object Classes	2006 Actuals		2007 Estimate		2008 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation	....	4,090	....	4,388	....	4,553	....	165
11.3 Other than full-time permanent	....	638	....	691	....	721	....	30
11.5 Total, Other personnel compensation	....	67	....	156	....	209	....	53
<i>Overtime</i>	....	....	....	....	....	....	....	....
<i>Other Compensation</i>	....	....	....	....	....	....	....	....
11.8 Special personal services payments	....	....	....	....	....	....	....	....
<b>Total</b>	....	<b>4,795</b>	....	<b>5,235</b>	....	<b>5,483</b>	....	<b>248</b>
Reimbursable FTE:								
Full-time permanent								
Other Object Classes:								
12.0 Personnel benefits		1,191		1,213		1,207		(6)
21.0 Travel and transportation of persons		33		42		55		13
22.0 Transportation of things		360		375		392		17
23.1 Rental Payments to GSA		1,467		1,545		1,973		428
23.2 Rental Payments to Others		69		36		55		19
23.3 Comm., util., & other misc. charges		125		130		157		27
24.0 Printing and reproduction		192		188		212		24
25.2 Other services		121		122		145		23
25.3 Purchases of goods & services from Government accounts		181		184		216		32
25.6 Medical Care		5		5		5		....
25.7 Operation and Maintenance of Equipment		18		17		45		28
26.0 Supplies and materials		100		120		120		....
31.0 Equipment		11		25		20		(5)
<b>Total obligations</b>		<b>\$8,668</b>		<b>\$9,237</b>		<b>\$10,085</b>		<b>\$848</b>
Unobligated balance, start of year [-]				....		....		
Unobligated balance, end of year [+]								
Recoveries of prior year obligations [-]		....		....		....		
<b>Total requirements</b>		<b>8,668</b>		<b>9,237</b>		<b>10,085</b>		
Relation of Obligation to Outlays:								
<b>Total obligations</b>		<b>8,668</b>		<b>9,237</b>		<b>10,085</b>		
Obligated balance, start of year [+]		....		....		....		
Obligated balance, end of year [-]								
Recoveries of prior year obligations		....		....		....		
Outlays								