

Department of Justice

**PERFORMANCE BUDGET
CONGRESSIONAL SUBMISSION
OFFICE OF THE SOLICITOR GENERAL
March 27, 2013**



2014

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I. Overview for the Office of the Solicitor General

1. Introduction

For FY 2014, the Office of the Solicitor General (OSG) requests a total of \$11,435,000, 54 positions, including 22 attorney positions, and 55 FTE to meet its mission.

2. Mission/Background

The mission of OSG is to conduct all litigation on behalf of the United States and its agencies in the Supreme Court of the United States, to approve decisions to appeal and seek further review in cases involving the United States in the lower federal courts, 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.

OSG is headed by the Solicitor General, who is appointed by the President and confirmed by the Senate. Within the attorney staff, there are 17 career line attorney positions, three career Deputy Solicitors General, the Principal Deputy Solicitor General, and the Solicitor General. The attorneys prepare oral arguments, Supreme Court briefs, and other related legal materials. The 32 support staffers are organized into four sections which include Administration, Case Management, Research and Publication, and Research and FOIA.

3. Challenges

OSG's mission and strategic objectives will essentially remain the same in FY 2014. However, OSG faces a set of new expectations and additional responsibilities. OSG has experienced an increase in several Court related activities. The government's response to terrorism, immigration challenges and economic distress will place new demands on OSG, which it stands ready to meet.

The Office continues to play a significant role in terrorism issues. In the past administration, the Attorney General requested that the Solicitor General assume a range of litigation responsibilities in the lower courts with regard to challenges to the detention of individuals detained at the United States Naval Station located in Guantanamo Bay, Cuba, in connection with ongoing efforts to prevent and punish terrorist activities. With the enactment of the National Defense Authorization Act, such matters will likely continue to be a substantial part of the Office's docket.

Moreover, OSG has been asked by the Attorney General to play a leading role in the development of complex immigration litigation. Most particularly, the Attorney General designated the Office to handle the lawsuit of *United States v. Arizona*, which involved challenges brought by the United States to Arizona's recent immigration law (called S.B. 1070). After OSG attorneys successfully handled arguments in district court, the case was granted certiorari and was argued during the 2011 Supreme Court Term. The outcome of this argument may result in continued litigious efforts.

OSG attorneys have increasingly been asked to brief and argue particularly difficult criminal cases, including matters involving the Fourth Amendment, the Fair Sentencing Act, and finance regulations. OSG presented argument in *United States v. Jones*, which challenged the warrantless installation and use of a GPS tracking device on a respondent's vehicle to monitor its movements on public streets. OSG also plays a major role in challenges to the Fair Sentencing Act, which lowered penalties for certain cocaine-base offenses by increasing the threshold quantities of cocaine-base that trigger certain mandatory-minimum sentences.

In light of the overall budgetary situation in which the Government finds itself, OSG strives to meet the difficult challenge of managing a steady increase in casework, including the significant challenges highlighted in the matters above, without additional resources. For FY 2014, OSG is requesting base funding of 54 positions (22 attorneys), 55 FTE and \$11,435,000 to accomplish its goals.

Following is a brief summary of the Department's Strategic Goals and Objectives in which OSG plays a role.

DOJ Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Laws (FY 2014 Request: \$11,435,000)

- Objective 2.6: Protect the federal fisc and defend the interests of the United States.

4. Full Program Costs

OSG has only one program—Federal Appellate Activity. Its program costs consist almost entirely of fixed costs, such as salaries and benefit costs, GSA rent, mandatory reimbursable agreements with other DOJ components, and printing.

5. Performance Challenges

External Challenges. 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 responds in some way, either by filing a brief or, after reviewing the cases, waiving its right to do so. Additionally, the Supreme Court formally requests the Solicitor General to express the views of the United States on whether the Court should grant certiorari in a case in which the United States is not a party. 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 *intervener* 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 take such action.

Further, such activity may vary widely from year to year, which limits the Office’s ability to plan its workload.

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.

Internal Challenges. Prior FY performance measures indicate a gradual increase in the number of cases the Solicitor General either participated in and/or responded. The arrival of cases’ related to the challenges discussed above further predicts an ever increasing caseload.

II. Summary of Program Changes

The Office of Legal Counsel (OLC) and Office of the Solicitor General (OSG) 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 has been consolidated into a single, unified executive office. This consolidation streamlines the executive office functions of OSG and OLC.

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Federal Appellate Activity	Administrative Functions Consolidation	0	0	-231	12

III. Appropriations Language and Analysis of Appropriations Language

(Please refer to the General Legal Activities Consolidated Justification)

IV. Decision Unit Justification

A. Federal Appellate Activity

<i>Federal Appellate Activity</i>	Permanent Positions	FTE	Amount
2012 Enacted	48	49	10,724
2013 Continuing Resolution	48	49	10,724
2013 Continuing Resolution 0.612% Increase	0	0	66
2013 Current Services	48	49	10,790
2013 Supplemental Appropriation – Sandy Hurricane Relief	0	0	0
Base and Technical Adjustments	0	0	876
2014 Current Services	54	55	11,666
2014 Program Increase	0	0	0
2014 Program Offsets	0	0	-231
2014 Request	54	55	11,435
Total Change 2012-2014	6	6	711

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, have control of the Supreme Court litigation it is required to conduct, or determine 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 following table provides a fiscal year snapshot of matters pending at the beginning of the Term of the Supreme Court, additional matters received, completed appellate determinations, certiorari determinations, miscellaneous recommendations, and oral arguments before the Supreme Court.

<i>FY</i>	<i>Supreme Court Term</i>	<i>Matters Pending</i>	<i>Adtl. Matters Received</i>	<i>Appellate Determinations</i>	<i>Certiorari Determinations</i>	<i>Miscellaneous Recommendations</i>	<i>Oral Arguments</i>
11	2010	520	3528	685	892	722	57
10	2009	517	3,959	667	974	628	57
09	2008	511	3,599	641	1,038	673	57

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.

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 intervener; it does not reflect the total number of underlying cases for each of those arguments.

1. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Office of the Solicitor General											
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
		49	10,867	49	10606	49	10,790	6	645	55	11,435
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
		49	10,867	49	10606	49	10,790	6	645	55	11,435
Performance Measure: Output	Cases in which the Solicitor General Participated		3,750		3,566		3,231				3,231
Performance Measure: Efficiency	Requests to which the Solicitor General Responded		1,851		2,567		1,442				1,442
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.

Table B – Performance Measure Table

PERFORMANCE MEASURE TABLE										
Decision Unit: Federal Appellate Activity										
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	Cases in which the Solicitor General participated	4,423	3,300	3,611	3,915	3,517	3,750	3,566	3,231	3,231
Performance Measure	Requests to which the Solicitor General responded	2,274	2,341	2,040	2,004	2,600	1,821	2,567	1,442	1,442
Efficiency Measure	(see Section 3, "Performance, Resources, and Strategies" for details)									
OUTCOME Measure	(see Section 3, "Performance, Resources, and Strategies" for details)									

3. Performance, Resources, and Strategies

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 2009 corresponds with the 2008 Supreme Court Term, FY 2010 corresponds with the 2009 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. The data in Table B includes requests for authorizations as well as recommendations against appeal, intervention, or participation *amicus curiae*. It does not include miscellaneous requests, such as requests for authorization of settlement, for stays, for mandamus, etc.

The Office of the Solicitor General utilizes an internal Automated Docket System (ADS) to track matters handled by its attorneys. For Supreme Court matters, all data is verified and checked against Supreme Court Records. Daily statistical reports are generated to ensure accurate tracking of both Supreme Court matters and requests for authorization to appeal, intervene, or participate as *amicus curiae*. Additionally, statistical reports on all Office matters are distributed to each attorney for review to ensure accurate tracking of the matters for which they are responsible.

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 intervener 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.

The Office of the Solicitor General's only decision unit—Federal Appellate Activity—contributes to the Department's Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law. The decision unit's total resources fall under the Department's Strategic Objective 2.6 – Protect the federal fisc and defend the interests of the United States.

a. Performance Plan and Report for Outcomes

The first performance measure reflects cases in which the Solicitor General participated. During the 2010 Supreme Court Term (FY 2011), the Office participated in 3,915 cases and in the 2011 Supreme Court Term (FY 2012); the Office participated in 3,517 cases.

The second performance measure reflects requests for determinations regarding appeal, *certiorari*, or other matters to which the Solicitor General responded. During the 2009 Supreme Court Term, the Office responded to 2,004 requests, and in the 2010 Supreme Court Term, the office responded to 2,600 requests. 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.

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 in some way, either by filing a brief or (after review of the case) waiving the right to do so. 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 *intervener* 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 take such action.

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 2014, OSG is requesting base funding of 54 positions, 55 FTE, and \$11,435,000 to accomplish its goals.

OSG has experienced an increase in several Court related activities. In addition, OSG has faced a set of new expectations, and has been called upon to assume added responsibilities. These include all the examples set forth in this budget submission. The government's response to terrorism, economic distress, immigration challenges, and health care will place a range of new demands on OSG, which it stands ready to meet.

V. Program Increases by Item

N/A

VI. Program Offsets by Item

Item Name: **Administrative Functions Consolidation**

Budget Decision Unit(s): Federal Appellate Activity

Strategic Goal & Objective: DOJ Strategic Goal 2 Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law. 2.6 – Protect the federal fisc and defend the interest of the United States.

Organizational Program: Office of the Solicitor General

Program Reductions: Positions 0 Atty 0 FTE 0 Dollar -\$231,000

Description of Item

The offset will consolidate OSG and OLC's administrative functions by merging both components' executive offices into a single executive office.

Summary Justification

The Office of Legal Counsel (OLC) and OSG 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, JMD proposes the consolidation of several administrative functions in these two components. The consolidation streamlines the administrative and executive office functions of OSG and OLC by merging the two offices, combining many of the overlapping functions with the goal of eliminating redundant positions through attrition. The executive offices of the two components have been merged under into a single, unified executive office. The office will answer to both the Assistant Attorney General (AAG) of OLC as well as the Solicitor General; a single executive officer will oversee budgetary, financial and administrative duties for both components.

Impact on Performance (Relationship of Decrease to Strategic Goals and Priority Goals)

This reduction in non-personnel resources will not affect OSG'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.

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	0	-231	0	0	0	-231	0	0	0	-231

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 2012) (\$000)	FY 2016 Net Annualization (change from 2013) (\$000)
Admin	N/A	0	0	N/A	N/A
Total Personnel	N/A	0	0	N/A	N/A

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2012) (\$000)	FY 2016 Net Annualization (change from 2013) (\$000)
Total Non-Personnel	N/A	N/A	-231	N/A	N/A

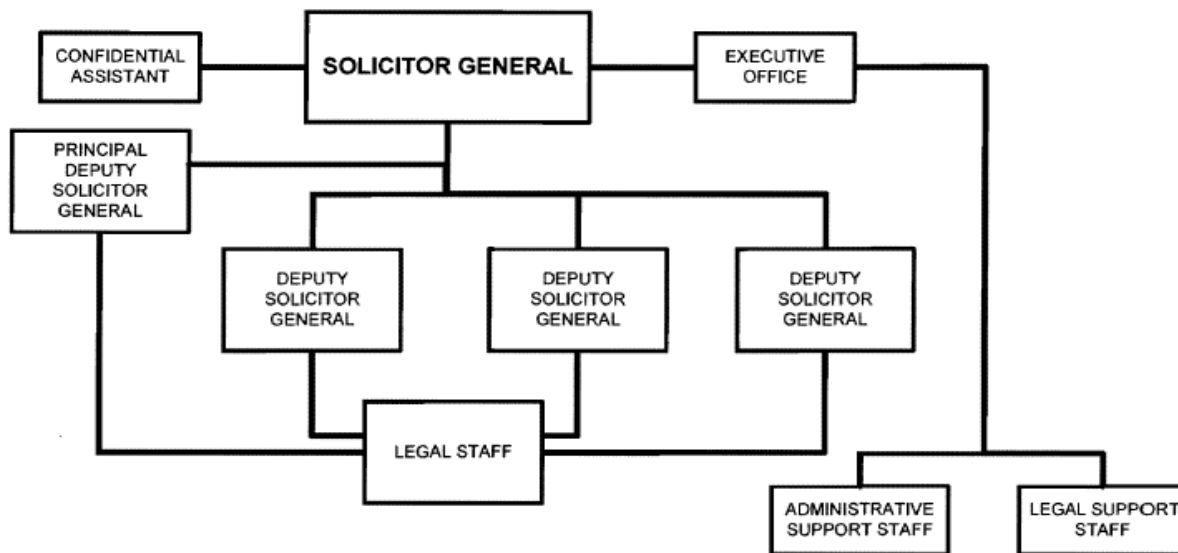
Total Request for this Item

	Pos	Atty	FTE	Total (\$000)	FY 2014 Net Annualization (change from 2012) (\$000)	FY 2015 Net Annualization (change from 2013) (\$000)
Current Services	0	0	0	-231	N/A	N/A
Decreases	0	0	0	0	N/A	N/A
Grand Total	0	0	0	-231	N/A	N/A

VII. EXHIBITS

A: Organizational Chart

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 the Solicitor General
Salaries and Expenses
(Dollars in Thousands)

	FY 2014 Request		
	Direct Pos.	Estimate FTE	Amount
2012 Enacted	48	49	10,724
2013 Continuing Resolution			
2013 CR 0.612% Increase			66
Total 2013 Continuing Resolution	48	49	10,790
Technical Adjustments			
Adjustment - 2013 CR 0.612%	0	0	-66
Total Technical Adjustments	0	0	-66
Base Adjustments			
Transfers:			
Administrative Positions - From OLC	6	6	570
JCON and JCON S/TS - To Components	0	0	21
Professional Responsibility Advisory Office (PRAO) - From Components	0	0	-8
Pay and Benefits	0	0	298
Domestic Rent and Facilities	0	0	61
Total Base Adjustments	6	6	942
Total Technical and Base Adjustments	6	6	876
2014 Current Services	54	55	11,666
Program Changes			
Offsets:			
Administrative Functions Consolidation	0	0	-231
Subtotal, Offsets	0	0	-231
Total Program Changes	0	0	-231
2014 Total Request	54	55	11,435
2012 - 2014 Total Change	6	6	711

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 the Solicitor General
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
Federal Appellate Activity	48	49	10,724	48	49	10,790	6	6	876	54	55	11,666
Total Direct	48	49	10,724	48	49	10,790	6	6	876	54	55	11,666
Balance Rescission			0			0			0			0
Total Direct with Rescission			10,724			10,790			876			11,666
Reimbursable FTE		0			0			0			0	
Total Direct and Reimb. FTE		49			49			6			55	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		49			49			6			55	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Federal Appellate Activity	0	0	0	0	0	-231	54	55	11,435
Total Direct	0	0	0	0	0	-231	54	55	11,435
Balance Rescission			0			0			0
Total Direct with Rescission			0			-231			11,435
Reimbursable FTE		0			0			0	
Total Direct and Reimb. FTE		0			0			55	
Other FTE:								0	
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		0			0			55	

*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 the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

Program Offsets	Location of Description by Program Activity	Federal Appellate Activity				Total Offsets			
		Direct Pos.	Agt./ Atty.	Est. FTE	Amount	Direct Pos.	Agt./ Atty.	Est. FTE	Amount
Administrative Functions Consolidation		0	0	0	-231	0	0	0	-231
Total Program Offsets		0	0	0	-231	0	0	0	-231

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective

Office of the Solicitor General
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												
2.6 Protect the federal fisc and defend the interests of the United States.	49	10,724	49	10,790	55	11,666	0	0	0	-231	55	11,435
Subtotal, Goal 2	49	10,724	49	10,790	55	11,666	0	0	0	-231	55	11,435
TOTAL	49	10,724	49	10,790	55	11,666	0	0	0	-231	55	11,435

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 the Solicitor General
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	-66
Subtotal, Technical Adjustments	0	0	-66
Transfers			
1 <u>OSG and OLC Executive Office Merger:</u> The Office of Legal Counsel (OLC) and the Office of the Solicitor General (OSG) 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 \$21,000 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	21
3 <u>PRAO Reimbursable Agreement:</u> Via reimbursable vehicle, OSG transfers funding to 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 amount 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	-8
Subtotal, Transfers	6	6	583
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, \$262,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$189,000 for pay and \$73,000 for benefits).			262
5 <u>Health Insurance:</u> Effective January 2014, the component's contribution to Federal employees' health insurance increases by 9 percent. Applied against the 2013 estimate of \$304,000, the additional amount required is \$27,000.			27
6 <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 \$9,000 is necessary to meet our increased retirement obligations as a result of this conversion.			9
Subtotal, Pay and Benefits	0	0	298
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 \$68,000 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.			68
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 \$-7,000 is required to meet these commitments.			-7
Subtotal, Domestic Rent and Facilities	0	0	61
Subtotal, Other Adjustments	0	0	0
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	6	6	876

F. Crosswalk of 2012 Availability

Crosswalk of 2012 Availability

Office of the Solicitor General

Salaries and Expenses

(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover	Recoveries/ Refunds	2012 Actual		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Direct Pos.	Actual FTE	Amount
Federal Appellate Activity	48	48	10,724	0	0	0	6	1	143	0	0	54	49	10,867
Total Direct	48	48	10,724	0	0	0	6	1	143	0	0	54	49	10,867
Reimbursable FTE		0			0			0					0	
Total Direct and Reimb. FTE		48			0			1					49	
Other FTE:														
LEAP		0			0			0					0	
Overtime		0			0			0					0	
Grand Total, FTE		48			0			1					49	

Reprogramming/Transfers

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

Carryover:

Recoveries/Refunds:

G. Crosswalk of 2013 Availability

Crosswalk of 2013 Availability
 Office of the Solicitor General
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation	Reprogramming/Transfers			Carryover	Recoveries/Refunds	2013 Availability		
	Direct Pos.	Estim. FTE	Amount		Amount	Direct Pos.	Estim. FTE			Amount	Amount	Direct Pos.
Federal Appellate Activity	48	49	10,790	0	6	6	570	0	0	54	55	11,360
Total Direct	48	49	10,790	0	6	6	570	0	0	54	55	11,360
Balance Rescission			0									0
Total Direct with Rescission			10,790									11,360
Reimbursable FTE		0				0		0			0	
Total Direct and Reimb. FTE		49				6		0			55	
Other FTE:												
LEAP		0				0		0			0	
Overtime		0				0		0			0	
Grand Total, FTE		49				6		0			55	

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 the Solicitor General

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)	16	0	16	0	2	0	0	18	0
Accounting and Budget (500-599)	1	0	1	0	0	0	0	1	0
Attorneys (905)	22	0	22	0	0	0	0	22	0
Paralegals / Other Law (900-998)	6	0	6	0	3	0	0	9	0
Information & Arts (1000-1099)	2	0	2	0	0	0	0	2	0
Supply Services (2000-2099)	0	0	0	0	1	0	0	1	0
Information Technology Mgmt (2210)	1	0	1	0	0	0	0	1	0
Total	48	0	48	0	6	0	0	54	0
Headquarters (Washington, D.C.)	0	0	0	0	0	0	0	0	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	0	0	0	0	0	0	0	0	0

K. Summary of Requirements by Grade

Summary of Requirements by Grade

Office of the Solicitor General
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	165	1	165	1	167	0	2
SES/SL \$ 119,554 - 179,700	4	716	4	716	4	723	0	7
GS-15 \$ 123,758 - 155,500	17	2,640	17	2,640	17	2,666	0	26
GS-14 \$ 105,211 - 136,771	3	347	3	347	4	478	1	131
GS-13 \$ 89,033 - 115,742	3	303	3	303	4	414	1	111
GS-12 \$ 74,872 - 97,333	9	727	9	727	10	802	1	75
GS-11 \$ 62,467 - 81,204	5	364	5	364	6	439	1	75
GS-9 \$ 51,630 - 67,114	6	364	6	364	6	368	0	4
GS-8 \$ 46,745 - 60,765	0	0	0	0	1	47	1	47
GS-7 \$ 42,209 - 54,875	0	0	0	0	1	42	1	42
Total, Appropriated Positions	48	5,626	48	5,626	54	6,146	6	520
Average SES Salary		179,700		185,091		190,644		
Average GS Salary		115,676		119,146		122,721		
Average GS Grade		14		14		14		

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 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	48	5,118	49	4,652	55	5,474	6	822
11.3 Other than Full-Time Permanent	0	599	0	867	0	898	0	31
11.5 Other Personnel Compensation	0	132	0	260	0	228	0	-32
<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	48	5,849	49	5,779	55	6,600	6	821
Other Object Classes								
12.0 Personnel Benefits		1,605		1,629		1,789		160
21.0 Travel and Transportation of Persons		18		25		25		0
22.0 Transportation of Things		324		352		322		-30
23.1 Rental Payments to GSA		1,387		1,382		1,391		9
23.2 Rental Payments to Others		93		94		94		0
23.3 Communications, Utilities, and Miscellaneous Charges		83		95		92		-3
24.0 Printing and Reproduction		173		272		240		-32
25.2 Other Services from Non-Federal Sources		561		596		334		-262
25.3 Other Goods and Services from Federal Sources		339		379		364		-15
25.6 Medical Care		5		5		5		0
25.7 Operation and Maintenance of Equipment		29		43		47		4
26.0 Supplies and Materials		92		95		92		-3
31.0 Equipment		48		44		40		-4
32.0 Land and Structures		0		0		0		0
41.0 Grants, Subsidies, and Contributions		0		0		0		0
42.0 Insurance Claims and Indemnities		0		0		0		0
Total Obligations		10,606		11,360		11,435		645
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		261		0		0		0
Total Direct Requirements	0	10,724	0	10,790	0	11,435	0	1,215
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)).