



FY 2027 Congressional Submission

Office of Legal Counsel

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I. Overview for the Office of Legal Counsel

Introduction

In FY 2027, the Office of Legal Counsel (OLC) requests a total of \$12,202,000, 47 positions (of which 39 are attorneys), and 47 FTEs to meet its mission. At the requested FY 2027 funding level, OLC will be able to continue to fulfill its core function of providing the essential legal advice needed on a broad range of constitutional, statutory, and regulatory issues to enable the Executive Branch to carry out its functions in a lawful manner.

Mission/Background

By delegation, OLC exercises the Attorney General's function, with origins in the Judiciary Act of 1789, as legal adviser to the President and agencies of the Executive Branch. OLC provides controlling advice on questions of law that are centrally important to the functioning of the government, including advice that supports the President in fulfilling his constitutional duties to preserve, protect, and defend the Constitution and to "take Care that the Laws be faithfully executed." OLC's mission remains critical as the government confronts significant challenges in areas that range from national security, war powers, and immigration to law enforcement, economic stability, and civil and constitutional rights.

OLC is headed by an Assistant Attorney General who is appointed by the President with the advice and consent of the Senate. The Assistant Attorney General is assisted by Deputy Assistant Attorneys General, including a Principal Deputy, career attorneys, paralegals and administrative support staff. The Office's legal advice takes a variety of written and oral forms and is provided in response to requests from the Counsel to the President, the various departments and agencies of the Executive Branch, and offices within the Department of Justice, including the offices of the Attorney General and Deputy Attorney General. OLC's advice-giving function includes resolving intra-Executive Branch legal disputes and drafting opinions signed by the Attorney General.

OLC also reviews all proposed Executive Orders and substantive presidential proclamations and memoranda for form and legality, as well as all proposed Orders of the Attorney General, including regulations. In addition, OLC often reviews important regulations of other executive agencies. OLC has a robust review and comment process that involves reviewing proposed legislation and other material related to the legislative process to identify constitutional concerns. OLC also provides legal advice to Executive Branch agencies concerning their responses to congressional oversight inquiries, which have increased in recent years.

Adequate funding of OLC is imperative to ensure OLC continues its critical functions, summarized above, of providing legal advice to the President, the Attorney General, other components in the Department of Justice, and other executive departments and agencies, to the end of helping to ensure the legality of governmental action and uphold the Rule of Law.

Full Program Costs

OLC's ability to accomplish its mission depends on it having the resources necessary to meet the demands of an externally driven workload. Its program consists almost entirely of operational

costs, such as salaries and benefits, printing, GSA rent, and reimbursable agreements with other DOJ components. As one of the smallest components in the Department of Justice, OLC has minimal discretionary funding and even less funding flexibility. Its workload has increased in recent years without corresponding increases in resources, which taxes its ability to fulfill its core functions in a timely manner.

Performance Challenges

External Challenges

OLC generally does not initiate programs, nor does it have control over the volume of its work. Its workload results from requests for legal advice from the Counsel to the President, the general counsels of other Executive Branch departments and agencies, the Attorney General and other Department of Justice officials, as well as from the need to review pending legislation and documents to be issued by the President and the Attorney General. Some of those requests remain relatively constant, while others increase in times of crises and emergencies, such as those related to war, national security, immigration, the economy, public safety, and public health. The lack of control over this externally driven workload remains a constant challenge to OLC's ability to fulfill its mission and is inherent in all aspects of the Office's work.

Internal Challenges

OLC has little flexibility to absorb material changes in how it is resourced, such that unexpected funding or other capacity decreases would affect its ability to address the broad range of requests for legal advice it receives from the President, the Attorney General, other components in the Department of Justice, and other Executive Branch departments and agencies. It is thus critical that OLC is adequately funded to provide the human and technological resources necessary to meet workload challenges related to its core mission.

One of OLC's ongoing challenges is funding continued operations, maintenance, and necessary upgrades to its existing database, the Document Archival Management System (DAMS), as well as its classified version of this database (C-DAMS). DAMS/C-DAMS is an electronically searchable database containing decades of OLC legal advice and other OLC work products. It is a mission-critical database that OLC attorneys heavily rely on every day to perform their work of analyzing legal questions brought to OLC by agencies across the Executive Branch, including the White House Counsel's Office and Department leadership. By querying DAMS/C-DAMS, OLC attorneys can quickly search for past work products of the office, which is OLC's starting (and sometimes ending) point for its substantive legal work.

On average, 10 OLC attorneys use the DAMS database each day to perform their work, and in just FY 2025, they performed 18,200 search queries of over 119,000 documents. These databases have become indispensable for OLC attorneys to perform their work.

However, OLC faces substantial costs for maintaining and upgrading its DAMS/C-DAMS databases just to sustain operational tempo. If the usability of these systems were diminished, OLC's ability to provide timely, well-researched, and high-quality legal advice to agencies, the Department, and the White House would be adversely affected.

II. Summary of Program Changes:

Not applicable.

III. Appropriations Language and Analysis of Appropriations Language

General Legal Activities language is displayed in the GLA rollup budget submission.

IV. Program Activity Justification

A. Office of Legal Counsel

	Perm. Pos.	FTE	Amount (\$000)
2025 Enacted	36	36	\$11,537
2026 Enacted	47	47	11,537
Adjustments to Base and Technical Adjustments	0	0	665
2027 Current Services	47	47	12,202
2027 Program Increases	0	0	0
2027 Program Offsets	0	0	0
2027 Request	47	47	12,202
Total Change 2026-2027	0	0	665

1. Program Description

OLC will continue its principal duty of assisting the Attorney General and, by delegation, fulfilling its role as legal adviser to the President and Executive Branch agencies as described above. OLC's resources are devoted to providing legal counsel on a broad range of vital matters affecting national interests such as immigration, tariffs, and national security. OLC will also provide legal assistance to other components of the Department of Justice, including related to litigation.

OLC will continue to be responsible for reviewing and commenting on the constitutionality of pending legislation. It will review all proposed orders of the Attorney General and regulations requiring the Attorney General's approval, as well as perform a variety of special assignments referred by the Attorney General or the Deputy Attorney General.

V. Program Increases by Item:

Not applicable.

VI. Program Offsets by Item:

Not applicable.

VII. Exhibits