



FY 2027 Congressional Submission

Office of the Solicitor General

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I. Overview for the Office of the Solicitor General

Introduction

In FY 2027, the Office of the Solicitor General (OSG) requests a total of \$16,406,000 and 55 positions, including 23 attorney positions, and 55 FTE to meet its mission.

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 to seek further review in cases involving the United States in the lower federal courts, and to supervise the government's litigation in the federal appellate courts.

OSG was created by the Statutory Authorization Act of June 22, 1870, which 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 provided in 28 C.F.R. 0.20-0.21, the general functions of the Office are as follows: (1) conducting or assigning and supervising all Supreme Court cases, including appeals, petitions for and briefs in opposition to certiorari, merits briefs, and oral 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 an amicus curiae brief 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, the Deputy Attorney General, and the Associate Attorney General in the development of broad Department policy.

OSG is headed by the Solicitor General, who is appointed by the President and confirmed by the Senate. OSG's staff includes 23 attorney positions. The attorneys prepare Supreme Court briefs, appeal recommendations, and other related legal materials and present oral arguments. The 32 support staffers assist the attorneys in the performance of those functions, including conducting research, reviewing briefs, performing citation checks, drafting tables of authority, tracking dockets and deadlines, overseeing filings, and completing various administrative tasks.

Mission Significance and Execution

OSG's overall mission will remain the same in FY 2027. The Office's docket, which mirrors the docket of the Supreme Court and the federal courts of appeals, covers a range of issues that are critical to our legal system and to our Nation's security and economy. Litigating those issues on behalf of the United States requires careful attention and coordination within the government, as well as a sophisticated assessment of how to interpret and apply relevant constitutional provisions, statutes, and precedents to most effectively advance the interests of the United States consistent with applicable law.

The Supreme Court's merits docket has featured a number of constitutional and administrative-law cases of significance, ranging from cases about executive power to the Second Amendment to religious liberty. OSG expects that trend to continue. Such cases require substantial time and resources to solicit and coordinate views within the government; to research the relevant legal questions, which often require substantial historical inquiries; to develop arguments that most effectively advance the interests of the United States; and to present those arguments as persuasively as possible in written briefs and oral arguments before the Court.

In recent years, constitutional, criminal, and administrative law cases have been at the heart of the Supreme Court's caseload. For example, in the 2025-2026 Term, the Supreme Court's docket featured several cases

presenting important constitutional issues, including whether a State’s law prohibiting mental-health professionals from engaging in talk therapy which attempts to change a minor’s sexual orientation or gender identity is subject to strict scrutiny under the First Amendment; whether the federal statute that limits the amount of money a political party may spend on an election campaign in coordination with a candidate violates the Free Speech Clause of the First Amendment; whether the Equal Protection Clause forbids public schools from placing trans-identifying athletes on sex-separated sports teams based on their biological sex; and whether the federal statute that prohibits the possession of firearms by a person who is an unlawful user of or addicted to any controlled substance violates the Second Amendment.

With respect to administrative law, the Supreme Court heard cases this Term about whether the statutory removal protections for members of the Federal Trade Commission violate the separation of powers and whether the provisions of the Communications Act of 1934 empowering the Federal Communications Commission to assess monetary forfeiture penalties for certain violations of the Act or agency regulations is consistent with the Seventh Amendment and Article III.

The Solicitor General likewise defends the implementation of government programs and congressional enactments. Although the Supreme Court’s precise docket in FY 2027 (the 2026–2027 Term) is impossible to predict, during the Court’s recent terms OSG defended a variety of statutes and agency initiatives.

The Solicitor General also routinely participates in cases that present important questions of federal statutory interpretation. Historical evidence suggests OSG will continue to be involved in cases implicating an array of federal statutes, such as the Voting Rights Act, the Civil Rights Act of 1964 and other antidiscrimination laws, the Patent Act, the Copyright Act, the Employee Retirement Income Security Act, the Securities Act and the Securities Exchange Act, the National Bank Act, the Fair Labor Standards Act, the Labor Management Relations Act, the Immigration and Nationality Act, the Bankruptcy Code, and federal firearms laws. In preparation for these cases, OSG attorneys engage in extensive coordination and consultation with the agencies that Congress has directed to implement these statutes.

Additionally, the Supreme Court typically hears several federal criminal cases each term and considers hundreds of petitions for writs of certiorari seeking review of federal criminal convictions. OSG handles all of those matters and also participates as amicus curiae in state criminal cases in the Supreme Court that present issues of importance to the United States.

Finally, OSG regularly handles cases affecting foreign affairs, including cases under the Foreign Sovereign Immunities Act, the Alien Tort Statute, and the Torture Victims Protection Act. Those cases can have important consequences for the conduct of foreign affairs and typically require close consultation with the Department of State and other interested agencies.

Full Program Costs

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

Performance Challenges

OSG's mission continues to dictate the need for high-quality, critical contract support staff. OSG's professional contractor support services every aspect of its operations, ensuring that OSG meets its obligations to the Department, the Administration, and the Supreme Court. For example, paralegal contractors who work for OSG's Research and Publication Section play a crucial function in ensuring the accuracy and professional presentation of the hundreds of briefs OSG files each year. OSG's operations would be significantly impacted without this contract support staff. While OSG makes every effort to realize cost savings across its operations, this is one aspect of its operations that must remain intact.

OSG's development and utilization of the Automated ReCommendation System (ARCS) has become indispensable to its continued operations. ARCS is OSG's digital, searchable database of recommendation memoranda related to the Solicitor General's decisions on appellate matters being handled by the Office. These recommendations are internal memoranda to the Solicitor General that memorialize the legal and practical considerations that inform the Office's decisions about what positions to take in the Supreme Court and whether, and to what extent, to seek further review in the lower federal courts. OSG's electronic database contains decades worth of recommendations and more than 80,000 documents.

On average, six attorneys use this database daily to understand the reasons behind past decisions by the Solicitor General, to ensure consistency in the Office's approach to related or recurring issues, and to benefit from the (often extensive) research and analysis done in connection with past cases. In FY 2025 alone, there were over 10,400 search queries performed by OSG attorneys, which demonstrates the significant need for OSG attorneys to have reliable access to a searchable database of past recommendations to perform their work.

OSG faces challenges in maintaining and upgrading its ARCS database due to rising costs just to maintain current operational tempo. OSG is currently working on 1) supporting the continued operation and maintenance of the system; 2) implementing necessary upgrades and security requirements as directed by the Department's OCIO; and 3) paying for the increased costs of the Lexis Search Advantage (LSA) platform, which is the foundation of the system.

OSG is one of the smallest components in the Department of Justice with little discretionary funding. As noted above, OSG's expenses consist almost entirely of operational costs, many of which are outside of its control. As costs continue to increase, OSG will face challenges in fulfilling its mission within its allocated funding. Given the nature of OSG's expenses, budgetary shortfalls must be made up by leaving positions unfilled, forgoing important contractor support, or taking other measures that would impair OSG's core work.

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. Federal Appellate Activity

<i>Federal Appellate Activity</i>	Perm. Pos.	FTE	Amount (\$000)
2025 Enacted	55	55	\$15,342
2026 Enacted	55	55	15,342
Adjustments to Base and Technical Adjustments	0	0	1,064
2027 Current Services	55	55	16,406
2027 Program Increases	0	0	0
2027 Program Offsets	0	0	0
2027 Request	55	55	16,406
Total Change 2026-2027	0	0	1,064

1. Program Description

The major functions of the Office of the Solicitor General are conducting government litigation in the U.S. Supreme Court, supervising government litigation in the federal courts of appeals, and approving intervention by the United States to defend the constitutionality of Acts of Congress.

OSG does not initiate programs or determine the number of appeal and amicus authorization requests it handles. OSG's Supreme Court filings, including its amicus briefs, often involve important constitutional or federal statutory questions that will fundamentally affect the enforcement of federal law or the administration 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 Civil Rights Act of 1964), the environmental laws (such as the Clean Air Act), and many others.

The following table provides a fiscal year snapshot of matters pending at the beginning of the Supreme Court term, 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>Addl. Matters Received</i>	<i>Appellate Determinations</i>	<i>Certiorari Determinations</i>	<i>Miscellaneous Recommendation Determinations</i>	<i>Oral Arguments</i>
20	2019	378	2556	761	529	519	51
21	2020	632	2479	622	575	610	51
22	2021	594	2696	514	561	771	50
23	2022	627	2309	477	470	632	52
24	2023	610	2359	523	480	635	53
25	2024	616	2201	528	420	567	51

The determinations and recommendations fields in the above chart do not directly correspond with the Office's workload measurement tables. The workload measurement tables track the workload by case whereas the figures above track the 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. The workload measurement tables reflect that as a single request. The table above provides a

separate accounting for each determination. Additionally, the miscellaneous recommendations field includes requests for authorization of settlement, for stays, and for mandamus, while the figures on the performance measurement tables do not include such requests.

The oral argument field reflects the number of oral arguments the Office presented to the Supreme Court as a party or amicus curiae; it does not reflect the total number of underlying cases for each of those arguments.

V. Program Increases by Item:

Not Applicable.

VI. Program Offsets by Item:

Not Applicable.

VII. Exhibits