

**U.S. Department of Justice**  
**FY 2012 PERFORMANCE BUDGET**  
**Congressional Submission**

Office of the Solicitor General

February 9, 2011

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

## **1. Introduction**

For FY 2012, the Office of the Solicitor General (OSG) requests a total of 50 positions, including 24 attorney positions, 51 FTE, and \$11,348,000 to meet its mission. This request reflects an increase of 2 attorney positions, 2 FTE and \$424,000 which will allow OSG to successfully accomplish its mission.\*

## **2. Background**

The mission of the 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 to: (1) conduct or assign and supervise all Supreme Court cases, including appeals, petitions for and in opposition to *certiorari*, briefs and arguments; (2) determine 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) determine 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) assist 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 26 support staffers are organized into three sections which include Administration, Case Management, and Research and Publication.

## **3. Challenges**

Although OSG’s mission and strategic objectives will not change in FY 2012, the challenges it faces will. In recent years, OSG has faced a set of new expectations, and has been called upon to assume added responsibilities. First, the Office continues to play a very substantial role in terrorism issues. In the past administration, the Attorney General requested the Solicitor General assume a range of litigation responsibilities in the lower courts with regard to challenges to the U.S. Government’s detention at Guantanamo Bay and in the United States of persons captured in connection with the ongoing efforts to prevent and punish terrorist activities. In this

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\* The FTE listed in this budget reflect an FTE level developed using the authorized FTE level in FY 2010 and differ from the FTE listed in the FY 2012 President’s Budget Appendix, which were developed using FY 2010 on-board levels.

administration, OSG assumed a leading role in the legal proceedings regarding Ali Saleh Al-Marri, an individual who was detained at the Naval Brig in South Carolina and later faced criminal proceedings in Illinois. In addition, OSG attorneys led the successful defense of the detention of enemy combatants at Bagram Airfield, Afghanistan. Such matters will likely be a continuing and substantial part of the Office's docket.

During the last year, OSG played a similar role in defending new economic regulations arising from the financial crisis. OSG attorneys ensured the government and the American people's interest was at the forefront of consideration in the sale of Chrysler assets to Fiat. The liquidation of Chrysler through bankruptcy would have meant that nearly 40,000 jobs would have been lost, over 40 manufacturing facilities and parts depots would have experienced hardship, thousands of Chrysler dealers would have suffered potentially fatal harm to their businesses, and billions of dollars worth of health and pension benefits for workers would have been wiped out. The litigation efforts undertaken by OSG attorneys in this and other actions related to our economic climate continue to place a burden on our resources.

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). Despite the fact that the case was in district court, the Attorney General asked OSG to handle the oral argument, which was successful. This is one of several examples in which the Office is being asked to play a role in complex litigation in lower courts.

Finally, OSG attorneys have increasingly been asked to brief and argue particularly difficult criminal cases in the *en banc* stage in the appellate courts, including matters involving firearms regulation, computer searches, and finance regulations. In light of the overall budgetary situation in which the Government finds itself, OSG has in the past made the difficult concession of not requesting additional resources. Given the projection of a steady increase in casework, and the significant challenges highlighted in the matters above, OSG is requesting additional resources in its FY 2012 submission.

Within the last 15 years, OSG has maintained the same FTE levels in spite of its increasing responsibility. It has been extremely challenging to maintain this level of resources and it will become more so because of the factors noted above. The Office has determined that two new attorney positions will enable the office to meet the demands placed upon it without any decrease in the quality of its work. For FY 2012, OSG is requesting base funding of 50 positions (24 attorneys), 51 FTE and \$11,348,000 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, Enforce Federal Laws and Represent the Rights and Interests of the American People (FY 2012 Request: \$11,348,000)**

- Objective 2.7: Vigorously enforce and represent the interests of the United States in all matters over which the Department has jurisdiction.

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

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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.

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**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. The augmentation of current attorney staff levels from 22 to 24 will ensure OSG's ability to handle the challenges it faces.

## II. Summary of Program Changes

OSG is requesting a program increase of 2 positions (2 attorneys), 2 FTE and \$424,000. Within the last 15 years, OSG has maintained the same FTE levels in spite of its increasing responsibility. It has been extremely challenging to maintain this level of resources and it will become more so because of the factors noted above. We have determined that two new attorney positions will enable the office to meet the demands placed upon it without any decrease in the quality of its work.

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Federal Appellate Activity	Increase personnel to meet increasing caseload and responsibilities	2	2	424	12

## III. Appropriations Language and Analysis of Appropriations Language

### Appropriations Language

N/A

## IV. Decision Unit Justification

### A. Federal Appellate Activity

<i>Federal Appellate Activity</i>	<b>Permanent Positions</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	48	49	10,809
2010 Supplemental			
2010 Enacted w/Rescissions and Supplemental	48	49	10,809
2011 CR	48	49	10,809
Adjustments to Base and Technical Adjustments			126
2012 Current Services	48	49	10,935
2012 Program Increase	2	2	424
2012 Program Offsets	0	0	(11)
2012 Request	50	51	11,348
<b>Total Change 2010-2012</b>	<b>2</b>	<b>2</b>	<b>539</b>

#### 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>Add. Matters Received</i>	<i>Appellate Determinations</i>	<i>Certiorari Determinations</i>	<i>Miscellaneous Recommendations</i>	<i>Oral Arguments</i>
10	2009	517	3,959	667	974	628	57
09	2008	511	3,599	641	1,038	673	57
08	2007	651	3,830	744	1,184	594	55

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

## 2. Performance Tables

Table A

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Federal Appellate Activity											
WORKLOAD/ RESOURCES		Final Target		Actuals		Projected		Changes		Requested (Total)	
		FY 2010		FY 2010		FY 2011 CR		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request	
Workload											
Cases in which the Solicitor General Participated		3,750		3,915		3750*				3,750	
Requests to which the Solicitor General Responded		1,851		2,004		1851*				1,851	
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	10,809	49	10809	49	10,809	2	413	51	11,348
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2010		FY 2010		FY 2011 CR		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Federal Appellate Activity		49	10,809	49	10809	49	10,809	2	413	51	11,348
Performance Measure											
Efficiency Measure											
OUTCOME											

\* Target for FY 2011. For Data Definition, Validation, Verification, and Limitations see Section 3, "Performance, Resources, and Strategies" for details.

Table B – Performance Measure Table

PERFORMANCE MEASURE TABLE													
Decision Unit: Federal Appellate Activity													
Performance Report and Performance Plan Targets		FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010		FY 2011	FY 2012
		Actual	Target	Actual	Target	Target							
<b>Performance Measure</b>	Cases in which the Solicitor General participated	3,675	3,736	3,811	3,345	4,000	4,423	3,300	3,611	3,750	3,915	3,750	3,750
<b>Performance Measure</b>	Requests to which the Solicitor General responded	1,827	1,779	1,815	2,145	2,389	2,274	2,341	2,040	1,851	2,004	1,851	1,851
<b>Efficiency Measure</b>	(see Section 3, "Performance, Resources, and Strategies" for details)												
<b>OUTCOME Measure</b>	(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 2008 corresponds with the 2007 Supreme Court Term, FY 2009 corresponds with the 2008 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 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.

The Office of the Solicitor General's only decision unit—Federal Appellate Activity—contributes to the Department's Strategic Goal 2: Prevent Crime, 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 2.7 – Vigorously enforce and represent the interests of the United States in all matters over 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 2008 (FY 2009) Supreme Court Term (June 30, 2007 through June 30, 2008), the Office participated in 3,611 cases and in the 2009 (FY 2010) Supreme Court Term, the Office participated in 3,915 cases.

The second performance measure is: Requests for determinations regarding appeal, *certiorari*, or other matters to which the Solicitor General responded. During the 2008 Supreme Court Term, the Office responded to 2,040 requests, and in the 2009 Supreme Court Term, the office responded to 2,004 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 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 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 2012, OSG is requesting base funding of 50 positions, 51 FTE, and \$11,348,000 to accomplish its goals.

OSG has experienced an increase in several Court related activities. In addition, the 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

**Item Name:** Federal Appellate Activity Increase

**Budget Decision Unit(s):** Federal Appellate Activity

**Strategic Goal & Objective:** DOJ Strategic Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People. Objective 2.7 - Vigorously enforce and represent the interests of the United States in all matters over which the Department has jurisdiction.

**Organizational Program:** Office of the Solicitor General

**Program Increase:** Positions 2 Atty 2 FTE 2 Dollars \$424,000

### Description of Item

OSG is requesting an enhancement of 2 positions (2 attorneys), 2 FTE and \$424,000 to accomplish its goals.

### Justification

Within the last 15 years, OSG has maintained the same FTE levels in spite of its increasing responsibility. It has been extremely challenging to maintain this level of resources and it is predicted to become even more so as cases related to new issues work their way through the lower courts. We have determined that two new attorney positions will enable the office to meet the demands placed upon it without any decrease in the quality of its work.

Under the current administration, OSG has handled 38 cases related to terrorism. OSG assumed a leading role in the legal proceedings regarding Ali Saleh Al-Marri, an individual who was detained at the Naval Brig in South Carolina and later faced criminal proceedings in Illinois. In addition, OSG attorneys lead the successful defense of the detention of enemy combatants at Bagram Airfield, Afghanistan. The detention of enemies captured by U.S. forces is an integral part of that conflict. The enactment of the Military Commissions Act resulted in a significant workload increase and a drain on already limited resources.

In addition to playing a significant role in the litigation relating to terrorism, the Office played a similar role in defending new economic regulations arising from the financial crisis. OSG attorneys ensured the government and the American people's interest was at the forefront of consideration in the sale of Chrysler assets to Fiat. The liquidation of Chrysler through bankruptcy would have meant that nearly 40,000 jobs would have been lost, over 40 manufacturing facilities and parts depots would have experienced hardship, thousands of Chrysler dealers would have suffered potentially fatal harm to their businesses, and billions of dollars worth of health and pension benefits for workers would have been wiped out. The litigation efforts ensued by OSG attorneys in this and other actions related to our economic climate continue to place a burden on our resources.

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). Despite the fact that the case was in district court, the Attorney General asked OSG to handle the oral argument, which was successful. Again, this is one of several examples in which the Office is being asked to play a role in complex litigation in lower courts.

Lastly, OSG attorneys have increasingly been asked to brief and argue particularly important criminal cases in the *en banc* stage in the appellate courts including matters involving firearms regulation, computer searches, and finance regulations. In light of the overall budget situation the Government finds itself in, OSG has in the past made the difficult concession of not requesting additional resources. Given the projection of a steady increase in casework, and the unpredictable challenges highlighted in the matters above, OSG is requesting additional resources in its FY 2012 submission.

Impact on Performance

A program increase of 2 positions (2 attorneys), 2 FTE and \$424,000 is being requested in support of DOJ Strategic Goal 2, "Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People." We have determined that two new attorney positions will enable the office to meet the demands placed upon it without any decrease in the quality of its work.

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
48	22	49	10,809	48	22	49	10,809	48	22	49	10,935

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2012 Request (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Attorney	212	2	424	N/A	N/A
Total Personnel	212	2	424	N/A	N/A

Non-Personnel Increase Cost Summary

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

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Current Services	48	22	49	7,781	3,154	10,935	N/A	N/A
Increases	2	2	2	424	0	424	N/A	N/A
Grand Total	50	24	51	8,205	3,154	11,359	N/A	N/A

## VI. Program Offsets by Item

**1. Item Name: Administrative Efficiencies**

Budget Decision Unit(s): Federal Appellate Activity

Strategic Goal & Objective: DOJ Strategic Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People. Objective 2.7 - Vigorously enforce and represent the interests of the United States in all matters over which the Department has jurisdiction.

Organizational Program: Office of the Solicitor General

### Description of Item

These offsets would be achieved by curtailing OSG's spending in the administrative areas noted above.

### Summary Justification

The Department is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2012, the Department is focusing on areas in which savings can be achieved, which include, but are not limited to: printing, publications, travel, conferences, supplies, and general equipment. For OSG, these administrative efficiencies will result in an offset of \$8,000. This reduction to administrative items will demonstrate that the Department plans to institute substantive efficiencies without unduly taxing either the people or the missions of DOJ.

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

This reduction to administrative items demonstrates that the Office plans to institute substantive efficiencies without unduly taxing either the people or the mission of OSG.

### Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
48	22	49	10,809	48	22	49	10,809	48	22	49	10,935

### Personnel Reduction Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Reduced	FY 2012 Request (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
N/A	N/A	N/A	N/A	N/A	N/A
Total Personnel	N/A	N/A	N/A	N/A	N/A

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Administrative Efficiencies	N/A	N/A	-8	N/A	N/A
Total Non-Personnel	N/A	N/A	-8	N/A	N/A

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Current Services	48	22	49	7,781	3,154	10,935	N/A	N/A
Decreases	0	0	0	0	-8	-8	N/A	N/A
Grand Total	48	22	49	7,781	3,146	10,927	N/A	N/A

**2. Item Name: Extend Technology Refresh**

Budget Decision Unit(s): Federal Appellate Activity

Strategic Goal & Objective: DOJ Strategic Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People. Objective 2.7 - Vigorously enforce and represent the interests of the United States in all matters over which the Department has jurisdiction.

Organizational Program: Office of the Solicitor General

Description of Item

This offset reflects the savings realized by DOJ components by extending the refresh rate of desktops and laptops by one year. OSG’s reduction is based on average costs for laptops and desktops and the refresh rate as provided for FY 2010.

Summary Justification

While replacing technology at a slower rate is not ideal, extending the technology refresh cycle is preferable to programmatic or personnel reductions. Because most desktops and laptops are used primarily for basic office automation applications (e.g., spreadsheets and word processing), the impact of this proposal on Department operations is expected to be minimal. In FY 2012, the Department is proposing to extend the refresh rate of all desktops and laptops by one year, resulting in an offset of \$3,000 for OSG.

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

Replacing desktop and laptop inventory at a slower rate is expected to have minimal impact on OSG’s operations.

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
48	22	49	10,809	48	22	49	10,809	48	22	49	10,935

Personnel Reduction Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Reduced	FY 2012 Request (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
N/A	N/A	N/A	N/A	N/A	N/A
Total Personnel	N/A	N/A	N/A	N/A	N/A

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Administrative Efficiencies	N/A	N/A	-3	N/A	N/A
Total Non-Personnel	N/A	N/A	-3	N/A	N/A

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Current Services	48	22	49	7,781	3,154	10,935	N/A	N/A
Decreases	0	0	0	0	-3	-3	N/A	N/A
Grand Total	48	22	49	7,781	3,151	10,932	N/A	N/A

## VII. EXHIBITS